The City Council of the City of Raleigh met in regular session on Tuesday, July 2, 1985 in the City Council Chamber, Room 201, of Raleigh Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding,
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by Dr. Thomas A. Collins, St. Mark's United Methodist Church after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - THERAPEUTIC RECREATION WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the week July 8-14 as Therapeutic Recreation Week in the City of Raleigh. Wayne Pollock, in accepting the proclamation, indicated the National Parks and Recreation Association is endorsing July as National Therapeutic Week throughout the nation. He indicated this is an effort to facilitate development, maintenance and expression of appropriate lifestyles for persons with emotional, physical, and mental weaknesses. He indicated they planned to conduct a Leisure Awareness Day at Crabtree Valley Mall and invited Council members to attend.

***OPERATION RALEIGH - MARCELLA TAYLOR RECOGNIZED

Mayor Upchurch recognized Marcella Taylor, pointing out she has been very active in the City of Raleigh in youth programs. He indicated he understands Marcella will be going to Bolivia with Operation Raleigh in the near future. Ms. Taylor indicated she will be leaving tomorrow for three months in Bolivia. She pointed out she will be working with 23 young people from all over the world, working in a new national park in Bolivia. She indicated they will be doing what they can to get the park settled and the animals protected. Mayor Upchurch wished Marcella well in her endeavor.

***NEWS AND OBSERVER - ADAM CECIL RECOGNIZED

Mayor Upchurch recognized Adam Cecil who will be covering City Hall for the News and Observer pointing out he is replacing Sharon Overton.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED WITH CLARIFICATION

Mayor Upchurch presented the Consent Agenda, indicated all items are considered to be routine and may be enacted in one motion. He pointed out if the Council requested discussion on an item the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. City Manager Benton indicated he would like to make a clarification on an item when the Council gets to it on the Agenda. No items were removed from the Consent Agenda. Mr. Calloway moved Administration's recommendation on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and the roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows.

***PARKS AND RECREATION PROGRAM - GRANT APPLICATIONS - AUTHORIZED FOR SUBMISSION

Wake County is now receiving applications for funding of parks and recreation projects. The following projects are proposed for submittal to the County.

a. Lake Wheeler Master Plan - $50,000 exists in the 1985-86 CIP for this project. $10,000 is designated for a Master Plan with the remaining $40,000 for restroom improvements. A County grant for the amount of $10,000 (to equal $20,000) would provide funds to develop a Design Program and Master Plan.

b. Green Road Park - $50,000 exists in the 1985-86 CIP for site improvement. A matching grant of $50,000 from the County could light a much needed second ballfield at this park.

c. Lake Johnson Greenway Development - $25,000 exists in the 1985-86 CIP for the Lake Johnson Greenway. A matching grant of $25,000 from the County could provide a bridge that spans the spillway on the east side of the lake and allow the continued development of the Greenway along the southern boundary of the lake.

d. Mordecai Historic Park - $40,000 exists in the 1985-86 CIP for restrooms at Mordecai. A matching grant of $40,000 from Wake County would allow for the construction of an open-air classroom as part of this restroom facility. An open-air classroom would allow the expansion of educational programs for school groups and residents interested in the many historical and horticultural offerings that are available at this park.

e. Carroll School Track Lighting - $5,000 or 50% of cost of installing lights on this track to facilitate night use of this facility.

Recommendation: That the Council approve submittal of this grant application package. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SPECIAL POPULATIONS PROGRAM - INTERIM BUDGET - APPROVED

Each year the City has to operate this program on an interim budget for the first quarter until the grant is received from the Wake Area Mental Health Program. Included in the Council agenda packet was a proposed interim budget.

Recommendation: That the interim budget be approved. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 601

AN ORDINANCE TO AMEND THE 85/86 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/86 Budget be amended and increased as follows to reflect partial funding of the 1985/1986 Area Mental Health of Wake County Special Populations program:

Revenue:

02-1-6710-0100	AMH Spec. Pop.	$ -0-
02-1-6710-0100	City Match	$49,520.00

Expenditure:

02-2-6710-0000	AMH Spec. Pop.	$ -0-
02-2-6710-0100	Salaries	$37,000.00
02-2-6710-0101	Fringe Costs	$ 4,600.00
02-2-6710-0102	Audit Costs	$ 125.00
02-2-6710-0213	Reg/Subs.	$ 150.00
02-2-6710-0225	Repairs - B&G	$ 40.00
02-2-6710-0226	Repairs - Off. Equipment	$ 50.00
02-2-6710-0228	Postage/Telephone	$ 15.00
02-2-6710-0230	Vehicle M&O	$ 5,125.00
02-2-6710-0231	Travel	$ 500.00
02-2-6710-0237	Car/Bus Rental	$ 1,210.00
02-2-6710-0240	Printing	$ 65.00
02-2-6710-0260	Office/Other Supplies	$ 325.00
02-2-6710-0265	Athletic Supplies	$ 40.00
02-2-6710-0266	Insurance & Bonds	$ 275.00

Adopted: 7/2/85

***RALEIGH-DURHAM AIRPORT AUTHORITY - GRANT RECEIPT - RESOLUTION ACCEPTED ADOPTED

Raleigh-Durham Airport has been offered a grant from the Federal Aviation Administration in the amount of $489,924 to be used for construction of a new Crash-Fire-Rescue Station.

Recommendation: That the Council adopt a resolution accepting the grant and approve execution of the grant agreement. Consent Agenda approval: Calloway/Cates - 8 ayes. See Resolution 856

***SOUTHSIDE URBAN RENEWAL AREA - SALE OF "BORROW" MATERIAL - AGREEMENT WITH W.C. ENGLISH APPROVED

The City owns a tract of land on the south side of South Street and is between the new alignment of Dawson and McDowell Streets. The grading of the streets results on the existing lot being substantially above the final street level. Excess soil material exists which can be disposed of. The contractor on the road project, W. C. English, proposed to purchase the borrow material amounting to approximately 10,000 cubic yards for $5,000 plus their grading, seeding, and mulching the site after removal.

Recommendation: That the Council approve an agreement with W. C. English as noted above. Consent Agenda approval Calloway/Cates - 8 ayes.

***FAYETTEVILLE STREET MALL - FESTIVAL EVENT - VARIOUS ACTIONS TAKEN

A festival event is being planned for the Fayetteville Street Mall on July 13, 1985. It is being done by the Civic Center staff under a program endorsed by the Civic Center Authority.

copy of the program is included in the Agenda packet. One specific item needing Council approval is the use of a private lot on the corner of the Mall and Davie Street which is owned by CP&L. It is proposed that the City accept the offer to use this lot subject to the provision that CP&L be held harmless in case of injury, theft, or damage and that the City return the lot in good condition after usage. A related item is the proposal that the City enter into an agreement with the non-profit organization, Raleigh Recycling for Food and Fuel, to operate a beer concession at this location. This agreement would provide for 50%-50% sharing of net revenues, between the City and the organization. Provisions would be made to allow no sale or consumption of beer outside of the area on this parking lot. In addition, it is necessary to temporarily close Davie Street from Wilmington Street to Salisbury Street for this event.

Recommendation: That Council approve the arrangements for temporary use of the lot, a use agreement with Raleigh Recycling for Food and Fuel and authorize the City Manager to execute said agreements, and the temporary closing of Davie Street. Consent Agenda approval Calloway/Cates - 8 ayes.

***CROSS LINK ROAD PROJECT - AGREEMENT WITH THE DEVELOPER RELATING TO INSTALLATION OF WATER LINE APPROVED

The Council has approved a project involving the realignment of Cross Link Road at Rock Quarry Road. This section is adjacent to the new shopping center. It is necessary to install a water line in this section and the developer has agreed to reimburse the City for the cost of the line over a ten-year period at 6% interest.

Recommendation: That the Council approve an agreement with the developer of Southgate Plaza to provide that the City will install a water line in the realigned section of Cross Link Road and the developer will reimburse the City for the construction cost of the water line over a 10-year period with equal annual installments and 6% interest on the outstanding balance. Consent Agenda approval Calloway/Cates -8 ayes.

***MUNICIPAL BUILDING 110 - ELEVATOR MAINTENANCE CONTRACT - AWARDED TO GODWIN ELEVATOR COMPANY

The City has solicited proposals to provide total maintenance on the elevators in the 110 Municipal Building. The only proposal received was from Godwin Elevator Company in the amount of $446 per month.

The City is terminating a maintenance agreement with Montgomery Elevator Company due to the level of service.

Recommendation: That Council approve the elevator maintenance contract with Godwin Elevator Company for an annual contract fee of $5,352. Consent Agenda approval Calloway/Cates -8 ayes.

***ROAD RACE - OLD RELIABLE RUN - APPROVED

Mr. Butch Robertson, representing the News and Observer, requests permission from the City Council to conduct the "Old Reliable Run," a 10K road race along City streets on Sunday, November 24, 1985, at 2:00 p.m. The race would be sponsored by the News and Observer and would form and begin on South McDowell Street in front of the News and Observer Building. The route is: McDowell Street to Morgan Street to Person Street, Chestnut Street, Blount Street, Edenton Street, to Hillsborough Street, circle the N.C.S.U. Bell Tower, return on Hillsborough Street to McDowell Street and end at the starting point.

The Police Department has no major objections to this race being conducted as planned, however, there are several key considerations. They are:

1. McDowell Street would be blocked at the beginning and end of the race.

2. Hillsborough Street would be blocked completely, in both directions, for most of the race or approximately 1½ hours.

3. A large number of off-duty Police Officers is needed to police this event. Race sponsors have agreed to employ sixty Police Officers and two supervisors.

4. Race sponsors have agreed to supply all necessary signs and barricades.

Recommendation: That this request be approved. Recommendation that this request be approved with the understanding that all conditions outlined by the police department be met. Consent Agenda approval Calloway/Cates - 8 ayes.

***PRIVILEGE LICENSE - REFUND REQUEST - APPROVED

Mr. J. M. Pike, owner of "Pike's Electronics Service," located at 610 West Street, has given written request for a refund of $35 for the 1985-1986 privilege license year. The reason for this request is that the business was discontinued April, 1985, and was renewed in error. This request has been verified by Administration.

Recommendation: That the request for refund be approved. Consent Agenda approval Calloway/Cates - 8 ayes.

Ms. Donna S. Womble, owner of "Small Wonders," located at 5104 Old Wake Forest Road, has given written request for a refund of $60 for the 1984-1985 and 1985-1986 privilege license year. The reason for this request, is that this location is not in the City Limits. Administration has verified this request.

Recommendation: That this request for refund be approved. Consent Agenda approval Calloway/Cates - 8 ayes.

Mrs. Gloria Johnson, wife of the owner of "Johnson's TV & Appliance Service," located at 2105 Pelham Road, has given written request for a refund of $25 for the 1985-1986 privilege license year. The reason for this request is that the business was discontinued May 15, 1985, due to her husband's death. This request has been verified.

Recommendation: That this request for refund be approved. Consent Agenda approval Calloway/Cates - 8 ayes.

***MUNICIPAL BUILDING - CHANGE ORDER #HAC-2 - STAHL-RIDER, INC. - MANAGER'S ACTION UPHELD

Change Order #HAC-2 - Stahl-Rider, Inc., relating to the Municipal Building was presented. It was pointed out this was a decrease of $556.27. This change order and appropriate transfers have been approved administratively by the Manager.

Recommendation: Concurrence with the Manager's action on the change order and transfers. Consent Agenda approval Calloway/Cates -8 ayes.

***GLEN EDEN PILOT PARK - CHANGE ORDER #G-2 - NEWKOR CONSTRUCTION, INC. - MANAGER'S ACTION CONCURRED WITH

Change Order #G-2 is an increase of $367.10 relating to Phase II, Glen Eden Pilot Park - Newkor Construction, Inc. The Agenda outlined the reason for the change order and budget accounts that have been administratively approved.

Recommendation: Concurrence with the Manager's approval of the change order and administrative transfers is recommended. Consent Agenda approval Calloway/Cates - 8 ayes.

***DAVIE STREET WIDENING - CHANGE ORDER #2 - GELDER AND ASSOCIATES - APPROVED - FUNDS APPROPRIATED

Change order #2 relating to Davie Street widening was presented. The change order is an increase of $13,133.00. The Agenda outlined the reason for the change order and transfers that should be authorized if the change order is approved.

Recommendation: That the change order and transfers as outlined on the Agenda be upheld. Consent Agenda approval Calloway/Cates 8 -ayes. See Ordinance 602 TF 1

***WHITE-HOLMAN HOUSE FOUNDATION - RHODES CONTRACTOR AND COMPANY - CHANGE ORDER #1 - APPROVED - FUNDS APPROPRIATED

Change Order #1 - Rhodes Contractors and Company - White-Holman House Foundation was presented. This is an increase of $1,675.00. The Agenda outlined the reason for the change order and transfers that should be made if the change order is approved.

Recommendation: Approval of Change Order #1 as outlined on the Agenda. Consent Agenda approval Calloway/Cates - 8 ayes.

***WS 1984-5 - DURALEIGH ROAD - CHANGE ORDER #1 APPROVED - FUNDS APPROPRIATED

Change Order #1 - J.F. Wilkerson Contracting Company relating to Duraleigh Road was presented.

The change order is an increase of $7,289.02. The Agenda outlined the reason for the change order and transfers that are needed. Change order is approved.

Recommendation: Administration recommends approval of the change order and transfers. Consent Agenda approval Calloway/Cates - 8 ayes. See Ordinance 602 TF 1

***WS 1985-1 - DURALEIGH ROAD - CHANGE ORDER #1 - APPROVED - FUNDS APPROPRIATED

Change Order #1 relating to WS 1985-1 - J.F. Wilkerson Contracting Company was presented. The change order is a decrease of $2,406.50. The Agenda indicated this is an adjustment for final quantities and outlined the transfers that are needed if the change order is approved.

Recommendation: That the change order and transfers as outlined be upheld. Consent Agenda approval Calloway/Cates - 8 ayes. See Ordinance 602 TF 1

***CIVIC CENTER TOILETS AND STORAGE ADDITION - SECURITY BUILDING COMPANY - APPROVED

Change Order #C0771-G9 relating to Security Building Company, Inc. - Civic Center toilets and storage addition was presented. The change order is a decrease of $9,198.25. The Agenda outlined the reason for the change order and pointed out that no budget accounts need to be amended at this time as the budget is being prepared to reallocate to appropriate categories so work can be completed by the Civic Center.

Recommendation: Administration recommends approval of Change Order #C0771-G9. Consent Agenda approval Calloway/Cates - 8 ayes.

***TRANSFERS - ADMINISTRATIVE - CONCURRENCE WITH MANAGER AUTHORIZED

Council members received in their Agenda packet a list of transfers which have been approved administratively by the City Manager according to Council policy. The transfers were as follows:

From	To	Amount
01-2-4010-0278	01-2-4010-0231	$ 12.54
01-2-4010-0278	01-2-4010-0213	48.26
01-2-1240-0701	01-2-1240-0260	115.00
01-2-3040-0260	01-2-3040-0705	950.00
01-2-4020-0229	01-2-4020-0225	300.00
18-2-1000-0001	18-2-1000-0235	900.00
18-2-0500-0921	18-2-0500-0255	350.00

From	To	Amount
18-2-0100-0227	18-2-0100-0255	300.00
18-2-0200-0921	18-2-0200-0255	300.00
01-2-4130-0100	01-2-4120-0100	934.00
19-2-8390-0100	19-2-8390-0101	950.00
01-2-6000-0245	01-2-6000-0260	4.40
01-2-6010-0727	01-2-6010-0700	688.95
43-2-3080-0100	43-2-3090-0260	100.00
01-2-1240-0703	01-2-1240-0263	100.00
06-2-7090-0260	06-2-7090-0230	200.00
38-2-3040-0100	38-2-3040-0101	862.25
19-2-8370-0700	19-2-8370-0260	50.00
18-2-1000-0001	18-2-1000-0227	999.00
18-2-0200-0921	18-2-0200-0230	750.00
18-2-1000-0001	18-2-1000-0728	355.00
18-2-0200-0921	18-2-0200-0219	520.00
01-2-6010-0275	01-2-6010-0227	100.00
19-2-8170-0257	19-2-8170-0221	550.00
01-2-1210-0221	01-2-1210-0211	200.00
01-2-1200-0226	01-2-1200-0705	368.60
19-2-8260-0534	19-2-8260-0101	950.00
19-2-8350-0534	19-2-8350-0101	500.00
01-2-3050-0228	01-2-3050-0235	125.00
02-2-6700-0237	02-2-6700-0260	300.00
01-2-1080-0219	01-2-1080-0921	100.00
01-2-1030-0226	01-2-1030-0213	130.00
01-2-1080-0265		35.00
	01-2-1080-0236	30.00
	01-2-1080-0261	5.00
01-2-5060-0221	01-2-5060-0257	325.00
01-2-4020-0221	01-2-4020-0724	30.00
01-2-4020-0221	01-2-4020-0219	251.00
01-2-1240-0221	01-2-1240-0701	315.00

Recommendation: Concurrence with the Manager's action on the administrative transfers is recommended. Consent Agenda approval Calloway/Cates - 8 ayes.

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED; CONTRACT WITH C AND W CONSTRUCTION COMPANY - APPROVED

The Agenda presented recommended transfers relating to the Civic Center, Community Development, and Parks and Recreation Department. City Manager Benton indicated there is a transfer in the amount of $118,171.00 relating to Community Development.

He stated this also involves a contract which did not get on the Agenda. Administration recommends approval of the transfer as well as awarding a contract to C and W Construction Company $118,971.00.

Recommendation: Administration recommends approval of the transfers as outlined as well as award of the contract relating to Haywood Street Project to C and W Construction Company. Consent Agenda approval Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 602 TF 1

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 25, 1985, and included in the budget for the fiscal year ending June 30, 1986, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts thereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	80-2-2002-0101	WS 1985-1	$ 2,406.50
To	80-2-2002-0105	Richland's Project	2,406.50
Purpose:	Contract Change Order - Duraleigh Road WS 1985-1, J.F. Wilkerson Contracting Company, No. 1.		
From	84-2-1401-0000	North Area Lines	$ 7,289.02
To	84-2-1409-0101	WS 1984-5	7,289.02
Purpose:	Change Order - Duraleigh Road WS 1984-5, J. F. Wilkerson Contracting Company, No. 1.		
From	43-2-3080-0100	Loans & Grants	$ 1,675.00
To	43-2-3430-0103	White-Holman Foundation	1,675.00
Purpose:	Change Order - White-Holman House Foundation, Rhodes Contractors & Co., No. 1.		
From	43-2-3060-0100		$ 13,133.00
To	43-2-3440-0101	Davie Street Widening	13,133.00
Purpose:	Change Order - Davie Street Widening - Gelder & Assoc., No. 2.		
From	18-2-0540-0100	Salaries	$ 1,600.00
To	18-2-0500-0100	Salaries	1,600.00
Purpose:	To cover salaries for final pay period for Optimist Pool.		
From	43-2-3060-0100	Loans & Grants	$118,971.00
To	43-2-3060-1801	Rehab for Resale	118,971.00
Purpose:	To provide funds for construction for rehab for resale for 4 houses on Haywood Street.		
From	01-2-1080-0213	Registration & Subscription	$ 300.00
From	01-2-1080-0219	Light & Power	1,100.00
From	01-2-1080-0227	Repairs to Other Equipment	600.00
From	01-2-1080-0232	Warehouse Rent	1,200.00
From	01-2-1080-0243	Uniforms	300.00
From	01-2-1080-0262	Bldg. Maint.	2,000.00
To	01-2-1080-0302	Home and Garden Show	5,500.00
Purpose:	To correct transfer approved 6/18/85 to fund salary account.		
From	43-2-3130-0100	Salaries	$ 4,300.00
To	43-2-3120-0100	Salaries	1,000.00
To	43-2-3140-0100	Salaries	2,000.00
To	43-2-3040-0101	Fringes	300.00
To	43-2-3130-0260	Office Supplies	600.00
To	43-2-3140-0231	Travel	400.00
Purpose:	To amend the RHA budget to correct budgeted overruns, and to concur with RHA resolution.		
From	43-2-2080-0100	Contingency	$ 3,357.00
To	43-2-2010-0100	Salaries	2,925.00
To	43-2-2010-0101	Fringes	207.00
To	43-2-2010-0230	Vehicle M&O	175.00
To	43-2-2010-0260	Supplies	50.00
Purpose:	To provide funds for continuing the Summer Clean-Up Program.		
From	35-2-1000-0100	Council Reserve	$ 15,000.00
To	35-2-3010-0103	Leadmine Road R/W	15,000.00
Purpose:	To purchase R/W for Leadmine Road at Sawmill Road.		

Adopted: 7/2/85

***P.U. 1985-17&18 - VARIOUS LOCATIONS - RESOLUTION ADOPTED

P.U. 1985-17 calls for the installation of approximately 20,000± feet of 16-inch water main to be installed beginning at Hillburn Road (on U.S. 70 West) in a western direction along Highway 70 to the new Airport Road thence down Airport Road to where the new road intersects the old road at the Airport property line, this is outside the city limits. The estimated cost of the project is approximately $700,000.00 and the assessment will be on the front footage basis.

P.U. 1985-18 calls for the installation of approximately 250± feet of 8-inch sewer main beginning at existing sewer in Summit Springs Apartment project located off Lynn Road south to the property line. This is inside the city. The estimated cost of the project is $600,000.00 and assessment would be on a per lot basis.

Recommendation: It is recommended that the Council adopt a resolution of intent to set a public hearing of these projects on August 6, 1985. Consent Agenda approval Calloway/Cates - 8 ayes.

RESOLUTION NO. (1985) 857

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(a) PU 1985-17 - Installation of 20,000 feet ± of 16-inch water main beginning at Hillburn Road (on US 70 West) in a western direction along Highway 70 to the new airport road; thence down airport road to where the new road intersects the old road at the airport property line. (This is assessment on front footage basis.)

(b) PU 1985-1 - Installation of 250 feet ± of 8-inch sewer main beginning at existing sewer in Summit Springs Apartment Project (located off Lynn Road) south to property line - 250 feet ± (assessment on per lot basis).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the sixth day of August, 1985, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: July 2, 1985

****END OF CONSENT AGENDA****

SPECIAL ITEMS

***STREET CLOSING - McDONALD LANE - DENIED

During the June 18, 1985 Council Meeting, a hearing was held to consider the permanent closing of a portion of McDonald Lane. The hearing was closed and the item was placed on this Agenda for consider by Council.

Mr. Calloway moved that McDonald Lane be closed as petitioned. His motion was seconded by Mr. Congleton. Mr. Calloway indicated he knew that all Council members had received a number of letters, calls, etc. regarding this issue. He indicated from his point of view strong and reasonable arguments have been put forth by both sides and the decision must be made. He indicated this City Council and previous City Councils have set a precedent relating to street closings. He stated in addition, City Council must make decisions which sometimes fly in the face of what some people consider common sense. He indicated the City of Raleigh has experienced a tremendous amount of growth and city churches have shared in this growth. He indicated in his opinion White Memorial has approached the City with a request which represents a reasonable answer to their problem of growth. He stated their request would seem to be a reasonable solution and would answer their needs and allow the church to grow and enhance the church and to allow them the opportunity to minister to larger groups of people in a safer manner. He stated he knew that the City had never closed the streets when citizens objected and he respects and appreciates that decision. He stated however, at this point in time, when growth is something that we are trying to deal with and the church is trying to deal with he would feel that this is a reasonable request.

Mr. Congleton indicated this has been a difficult decision and looking at the various issues he stated in his opinion the road is not the major issue in this situation, and the issue is, and he is not saying this to offend anyone, whether White Memorial Church has been a good neighbor. He stated he would hope that they will listen and maybe they had not done some of the neighborhood work they should have done. He stated he hopes that they will work with some of the concerns of the surrounding neighborhoods. He indicated if the street closing is approved there would still be a road through the property and the church property would still have access through this road. He stated all other traffic would still have to use Colonial. He explained recently the Comprehensive Planning committee voted to go to public hearing to consider deleting a street from the comprehensive plan. He stated if this were a situation where we were thinking about putting a street in this neighborhood he feels the neighborhood would be against it and referred to other areas of the city where roads were being proposed and the neighborhood objected. He stated in his opinion White Memorial Church has a good plan and he feels the concerns of the neighborhood can be worked out. Ms. Babb indicated she supported most of what Mr. Congleton and Mr. Calloway have stated. She stated it is a hard decision as there is strong intense feelings on both sides. She indicated she feels this is one of those cases where protection of the minority interest has to be considered and this is what is going on here. She indicated she does not expect the motion to pass but wanted to point out that her own personal evaluation would be that it would be better for the City and the community as a whole to allow the street closing but pointed out that she knew that we did have a policy of not closing streets when the neighborhood objects. Ms. Block explained that this has been a difficult decision but this is public property, it is for the use of the public, and the public is using it. She stated she is a strong believer in the separation of church and state and to close the street, in her opinion, would be a sizable donation to the church. She pointed out one argument that she had not heard is the problem of traffic backup on Fairview Road and McDonald Lane acts as a safety valve to relieve the traffic problem. Ms. Cates indicated she would vote to leave the street open for many of the reasons stated by Council members publicly in the paper. She stated, however, she is very concerned about the safety issues which have been spoken to. She indicated she did not know if our DOT has the report ready but she is interested in working with the church and others to resolve the safety issue. She asked if the City Manager could give a response or a report on how the City would suggest to deal with the safety issues. Mayor Upchurch indicated that was requested last time and he feels that Administration will offer some suggestion as to how to deal with the safety problems. The motion as stated was put to a vote with the results as follows: ayes - Calloway, Congleton, Babb; no - Upchurch, Walters, Block, Cates, Keller. The Mayor ruled the motion defeated therefore, McDonald Lane will remain open.

***SUBDIVISION S-61-84 - TRAILWOOD FOREST - APPROVED

This is a request for approval to subdivide 175 acres which are currently undeveloped and zoned Residential-10 (148 acres), Residential-4 (23.94 acres), and Agricultural Productive (3 acres) into 16 lots. The property is located on Trailwood Road, west of Sierra Drive and on the south side of Interstate-40, outside the City Limits.

CR-5519 from the Planning Commission recommended that this request be approved according to a map entitled, "Trailwood Forest," the property of CB&S drawn by Jerry Turner and Associates, Incorporated, dated February, 1985.

During the Council Meeting held on June 18, Mr. Keller had questions relative to park acquisition in this area. It was agreed to hold action on this subdivision and receive a report from Administration as to whether this area had been looked at as it relates to parkland acquisition.

Mr. Keller indicated he had no problem with the subdivision but eight to ten months ago he requested that this area be looked at as a possible location for a park site and he has never received a response, pointing out he still does not feel he has gotten a yes or no answer. City Manager Benton indicated as a part of looking at parkland acquisition the City did address the general area of Trailwood Drive. He indicated part of this plan was to identify areas whereby the City could work with other governmentally owned land to address park needs. He indicated the City would like to assemble property on the north side of I-40 as a part of the Dorothea Dix development to serve the park needs of this area rather than trying to acquire property in this particular area. Mr. Benton presented a map showing the location of the subdivision, Carolina Pines Park, as well as its proximity to the Dorothea Dix property. Ms. Block indicated she too was concerned as this subdivision will add 1500 new dwelling units to this area. She stated if we could acquire some use of the Dix property she feels that would be good but she does hope these developers will be putting in some type tot lots or open space as this is a lot of people going in an area. Mr. Keller indicated as long as we are looking at this area and keeping in mind the recreational needs he has no problem. He explained there is potential for 3500 to 4000 more units in this particular super block. He stated he is in total agreement with the idea of working with the University and other governmental units to possibly utilize some of the Dix property. He stated with these comments and the hopes that the City staff will continue working with the University he would recommend approval of Subdivision S-61-84 as recommended by the Planning Commission. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He indicated items were marked on the Agenda showing if they are in flood-prone areas or if they are in the Falls Basin area. Mr. Congleton requested that CR-5634 (TC-13-85) withdrawn. Without objection, the item was withdrawn from the Agenda. Mr. Walters moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows.

***PA-66-85 - DURALEIGH ROAD APARTMENTS - APPROVED WITH CONDITIONS

This was a request for approval of 504 dwelling units on 21.8 acres, zoned Office and Institution-I, connected to City utilities. The developer will be responsible for a private sewer pump station, which will pump sewage back across Duraleigh Road, until the Turkey Creek outfall lines are available.

The property is located west of Duraleigh Road, south of Pleasant Valley Road, outside the City Limits.

CR-5605 from the Planning Commission recommended that this request be approved according to a map entitled, "Duraleigh Road Apartments," the property of Pacific Realty Company, drawn by Paton-Zucchino and Associates, dated May 22, 1985, with the following conditions: (1) That a plat be recorded showing dedication of Pleasant Valley Road (S-115-84) which is shown as located on this tract; and (2) that the fencing and vegetative screening be installed as shown on a map entitled, "Duraleigh Road Apartments, Variance Request," drawn by Paton-Zucchino and Associates, dated May 22, 1985. Consent Agenda approval Walters/Calloway - 8 ayes.

***SUBDIVISION S-94-85 AND PA-65-85 - WESTLAKE II CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval for a five-phase cluster unit development consisting of 126 acres which are currently undeveloped and zoned Residential-4 (124 acres) and Conservation/Buffer (2 acres); and approval to develop Phase One to include 72 lots on 40.46 acres, zoned Residential-4; and the transfer of density (4 units) from 2.01 acres of Conservation/Buffer.

The property is located on the east side of Leesville Road and on the west side of Lake Lynn, outside the City Limits.

CR-5620 from the Planning Commission recommended that Sections A, C and D be approved according to a map entitled, "Westlake II Cluster Unit Development," the property of Development Associates, drawn by LaMarr Bunn and Associates, dated June 17, 1985; and that no action be taken on the remaining Sections (B, E, F, and G) pending the outcome of the amendment to the Comprehensive Plan for the relocation of Tylerton Drive collector street. Consent Agenda approval Walters/Calloway - 8 ayes.

***PA-79-85 - BIRCH-DAVIS OFFICE BUILDING - APPROVED WITH CONDITION

This was a request for approval for a 2,000 square foot office building located on 0.12 acre which is currently vacant and zoned Office and Institution-I.

The property is located at the southwest corner of Sasser Street and Bloodworth Street, just east of Wake Forest Road, inside the City Limits.

CR-5632 from the Planning Commission recommended that this request be approved according to a map entitled, "Birch-Davis Office Building," the property of Ashley Davis, drawn by Chance/Cory Associates, dated June 1, 1985, revised June 19, 1985, with the condition that the additional landscaping be approved by the Staff. Consent Agenda approval Walters/Calloway - 8 ayes.

***COLLECTOR STREET PLAN - PROPOSED AMENDMENT - RELATING TO TYLERTON DRIVE - PUBLIC HEARING AUTHORIZED

This was a request for approval to amend the Collector Street Plan of the Comprehensive Plan to relocate Tylerton Drive.

CR-5633 from the Planning Commission recommended that a public hearing be authorized to amend the Collector Street Plan of the Comprehensive Plan to relocate Tylerton Drive. Consent Agenda approval Walters/Calloway - 8 ayes.

***CONSERVATION BUFFER ZONES - STAKING - ORDINANCE ADOPTED

This was a request for approval to amend Sections 31 and 33 of Ordinance No. (1985) 511 TC 232, as modified, (codified as the first paragraph of Raleigh City Code Section 10-5009, and subsection (f) of Raleigh City Code Section 10-6035, respectively) to require the staking of the boundaries of Conservation/Buffer districts during land-disturbing activities.

CR-5635 from the Planning Commission recommended that an Ordinance be adopted to amend Sections 31 and 33 of Ordinance No. (1985) 511 TC 232, as modified, to require the staking of the boundaries of Conversation/Buffer districts during land-disturbing activities. Consent Agenda approval Walters/Calloway - 8 ayes.

ORDINANCE NO. (1985) - 603 TC 243

AN ORDINANCE TO REQUIRE THE STAKING OF CONSERVATION BUFFER ZONES PRIOR TO LAND DISTURBING ACTIVITIES.

Section 1. Section 31 of Ordinance No. (1985) 511 TC 232, as modified, which is codified as the first paragraph of Raleigh City Code Section 10-5009 is amended to insert after the words "watercourse buffer area" the following words: "or conservation/buffer zoning district".

Section 2. Section 33 of Ordinance No. (1985) 511 TC 232, as modified, which is codified as subsection (f) of Raleigh City Code Section 10-6035 is amended to insert after the words "watercourse buffer" the following words: "or conservation/buffer zoning district".

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance shall become effective five days following its adoption.

ADOPTED: 7/2/85

EFFECTIVE: 7/7/85

***CP-2-85 - SOUTHWEST/WEST PLANNING DISTRICT LAND USE PLAN - APPROVED AS AMENDED

This was a request for approval to amend the Comprehensive Plan by amending the Southwest and West Plans to include development patterns, growth projections and public facility development for a combined Southwest/West Planning District.

CR-5636 from the Planning Commission recommended that CP-2-85 be approved with the following amendments: (1) That the Method Subarea Plan be amended by redrawing the Policy Boundary Line as shown on a revised map, SW/W-13; (2) that The Southwest/West (Combined) District Plan Policies - Public Facilities/Thoroughfares section be amended by inserting a new item 5 on Page 29 to read as follows: "5. The improvement of Lake Wheeler Road to reflect its status as a major thoroughfare. Increasing development in southern Wake County has and will continue to make Lake Wheeler Road more congested unless steps are taken soon to better accommodate the increased usage of this facility." Existing items 5 through 9 would be renumbered to become items 6 through 10; (3) that The Framework for the Plan - What Residential Pattern? be amended to add the following sentences at the end of the first paragraph under said section on Page 25: "In order to allow for smooth transitions, a graduation in densities is encouraged between low, medium, and high-density residential development patterns. To further promote and complement graduated transitions, residential developments should incorporate and be sensitive to quality designs, the use of buffers, improved landscaping techniques, and other similar tools which would provide for greater compatibility between differing densities." It is further recommended that Item d on Page 26 of the same section be amended to read as follows: "d. As graduated transitions between low-density residential and non-residential uses;" (4) that The Swift Creek Subarea Plan - What Future Development Pattern?/The Plan be amended by including the following statements as a new paragraph at the end of the section on Page 45: "It is recognized that the City of Raleigh has extraterritorial jurisdiction (ETJ) over a relatively small portion of the Swift Creek watershed. Since this basin is of critical concern to the City as both an existing and future water supply source, appropriate steps should be undertaken as soon as possible to extend the ETJ to its maximum three-mile limit within the scope of State law."; and (5) that the Dix (Hospital) Property Subarea Plan - What Future Development Pattern? be amended to include the following statement at the end of Item b on Page 40: "b. It should be stressed that such warehouse/distribution functions should only support the adjacent local consumer market function of the Farmers' Market and should not consist of facilities which would serve regional or statewide markets. These functions can better be served on alternate sites." Consent Agenda approval Walters/Calloway - 8 ayes.

RESOLUTION NO. (1985) 858

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs and ordinances; and

WHEREAS, it is the intent of the City Council to maintain and, as conditions warrant, to amend this plan as the official statement of City Council Policy concerning the future development of the City of Raleigh; and

WHEREAS, the Comprehensive Planning Committee of the City Council has coordinated the actions of the Citizens of the Southwest/West (Combined) Planning District, the Comprehensive Planning Advisory Group, the City Planning Commission, the City Administration and various private interest groups to prepare a recommended plan for the Southwest/West (Combined) Planning District; and

WHEREAS, the public hearing on proposed Amendment No. CP-2-85 was held before a joint meeting of the City Council and the Planning Commission on May 23, 1985;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the attached amendment, CP-2-85, be approved, revising the Southwest and West District Plans on pages 43 and 47 of the Comprehensive Plan adopted by Resolution No. (1979) - 949, on June 19, 1979.

Section 2. That the facilities plans contained in the Comprehensive Plan are revised according to the provisions contained in the Southwest/West (Combined) plan.

ADOPTED: 7/2/85

EFFECTIVE: 7/2/85

Ms. Block commended the Council for adopting this plan, pointing out the two years she was not on Council she did work with this plan. She stated it is a good plan that the area can live with.

***REZONING Z-74-85 - LAKE WHEELER ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.3 acres from Residential-4 to Residential-10.

CR-5638 from the Planning Commission recommended that Z-74-85 be approved as amended; that is, that the property contained in Z-74-85 be rezoned to Residential-6. Consent Agenda approval Walters/Calloway - 8 ayes. See Ordinance 604 ZC 165

***REZONING Z-78-85 - EAST LENOIR STREET - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.6 acres from Residential-10 to Neighborhood Business.

CR-5639 from the Planning Commission recommended that Z-78-85 be approved as amended; that is, that the property contained in Z-78-85 be rezoned to Neighborhood Business as requested with a 10-foot Conservation/Buffer along East Lenoir Street, the eastern boundary of Lot 3, northern boundary of Lot 1 adjacent to Lot 4, and along Beauty Avenue. Consent Agenda approval Walters/Calloway - 8 ayes.

ORDINANCE NO. (1985) 604 ZC 165

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Strickland Road, south side, beginning some 600 feet west of the Creedmoor Road intersection, opposite Camellia Drive and adjacent to Brandon Station Subdivision, being Parcel 210, Tax Map 301, rezoned to Residential-10 District. (Z-40-85)

(b) Old Wake Forest Road, east side, at the southeast corner of the intersection of Wake Forest Road and Honeysuckle Road, being Parcel 150, Tax Map 409, rezoned to Neighborhood Business District. (Z-61-85)

(c) Lake Wheeler Road, east side, between Carolina Pines Drive and Holly Springs Road, being Parcels 481 and 482 (Tax Map 604) on the south side of Peach Creek Court at the Tischer Road intersection, rezoned to residential-6 District. (Z-74-85)

(d) East Lenoir Street, south side, between Rock Quarry Road and Bart Street, being Parcels 2 and 3, Block B-155, and a portion of Parcel 1, Block B-336, Tax Map B-14 (Zoning Map 552), rezoned to Neighborhood Business with a 10-foot Conservation/Buffer along East Lenoir Street, the eastern boundary of Lot 3, the northern boundary of Lot 1 adjacent to Lot 4, and along Beauty Avenue, according to map on file in the City of Raleigh Planning Department (Z-78-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted; 7/2/85

Effective: 7/2/85

END OF PLANNING COMMISSION CONSENT AGENDA

***TC-13-85 - CONDITIONAL USE ZONING - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to amend the Zoning Chapter of the City Code by creating parallel conditional use zoning districts for each existing district in the City Code.

CR-5634 from the Planning Commission recommended that TC-13-85 be approved as amended, according to the revised ordinance attached to CR-5634.

Mr. Congleton indicated he withdrew this from the Consent Agenda as he would like to have some additional reassurance from staff that when a project comes in as a conditional use that is what will have to take place on that piece of property, that is, that there is no way it can be amended without coming back to the City Council when a conditional use zoning is approved. Planning Director Chapman explained the proposed procedure relating to conditional use zoning. Mr. Congleton again pointed out he just wanted to be reassured that staff would be doubly precautious that what is proposed and explained at a conditional use hearing or approved as a conditional use is what is placed on the property. The appeals process and who could appeal was discussed briefly after which Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 600 TC 242

AN ORDINANCE TO ESTABLISH CONDITIONAL USE AND OVERLAY ZONING DISTRICT.

WHEREAS, Chapter 49 of 1985 Session Laws authorizes the City of Raleigh to establish conditional use and overlay zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2002 of the Raleigh City Code is hereby amended to add a new definition "exterior features" which is already contained in 10-2049(c)(1) and which shall follow the definition of "erect" and the new definition shall read as follows:

> "Exterior features. "Exterior features" shall include important landscape and natural features of the area, the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size, color and scale of the building, and the type, color, style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor signs "exterior features" shall be construed to mean style, material, size, color and location of all such signs.".

Section 2. That all material following 10-2011(15) of the Raleigh City Code is repealed and in lieu thereof the following is enacted:

> "The city is divided into the following zoning districts: general use districts are those in which a variety of uses are permitted; conditional use districts are those in which limited uses are permitted and other regulations are imposed; overlay districts are those which are applied coincidental with general and/or conditional use district. Overlay districts involve additional regulations on some or all property within underlaying general and/or conditional use districts.
>
> The following general use districts are established:
>
> 1. Conservation/Buffer Districts
> 2. Agricultural Productive District
> 3. Residential-1 District
> 4. Residential-4 District
> 5. Residential-6 District
> 6. Mobile Home District
> 7. Residential-10 District
> 8. Residential-15 District
> 9. Residential-20 District
> 10. Special-Residential-30 District
> 11. Residential-30 District
> 12. Office and Institutional-I District
> 13. Office and Institutional-II District
> 14. Office and Institutional-III District
> 15. Buffer/Commercial District
> 16. Shopping Center District
> 17. Neighborhood Business District
> 18. Business District
> 19. Thoroughfare District
> 20. Industrial-I District
> 21. Industrial-II District

The following conditional use districts are established:

1. Conservation/Buffer Conditional Use Districts
2. Agricultural Productive Conditional Use District
3. Residential-1 Conditional Use District
4. Residential-4 Conditional Use District
5. Residential-6 Conditional Use District
6. Mobile Home Conditional Use District
7. Residential-10 Conditional Use District
8. Residential-15 Conditional Use District
9. Residential-20 Conditional Use District
10. Special-Residential-30 Conditional Use District
11. Residential-30 Conditional Use District
12. Office and Institutional-I Conditional Use District
13. Office and Institutional-II Conditional Use District
14. Office and Institutional-III Conditional Use District
15. Buffer/Commercial Conditional Use District
16. Shopping Center Conditional Use District
17. Neighborhood Business Conditional Use District
18. Business Conditional Use District
19. Thoroughfare Conditional Use District
20. Industrial-I Conditional Use District
21. Industrial-II Conditional Use District

State law reference - 1985 Session Laws Chapter 49

Each of the above conditional use districts (bearing the designated CU on the Zoning Map) corresponds to a general use district in this chapter. All zoning regulations which apply to the general use district are also applicable to the corresponding conditional use district unless specifically stated otherwise in the conditional use district ordinance or in the text of this code.

The following are overlay districts and regulations:

a. Historic District
b. Special high density residential area
c. Reservoir watershed protection area

State law reference - 1985 Session Laws Chapter 49

Each district and area is shown on a district map which is on file in the Planning Office and which is hereby declared to be part of this chapter. The district map designations, line, figures, letters and symbols shown on such map are hereby declared to be part thereof.".

Section 3. Section 10-2012 of the Raleigh City Code is hereby amended to add a new second and third sentence to subsection 10-2012(f) which shall read as follows:

"Uses which are excluded from the business district but which are not excluded from the thoroughfare district shall be known as thoroughfare uses. Thoroughfare uses and thoroughfare districts shall be lower in classification than business districts.".

The former second sentence of 10-2012(f) which is now recodified as the fourth sentence of said subsection is amended to replace the word "business" appearing therein with the word "thoroughfare". Section 10-2012 is further amended to add a new last subsection which shall read as follows:

"(g) Conditional use districts shall be higher in classification than corresponding general use districts.".

Section 4. The language "conditional residential-30" wherever it appears in Ordinance No. (1984) 438 TC 226 and in Raleigh City Code provisions 10-2030.1, 10-2064(a)(9), 10-2072(f), 10-2073(c)(16), 10-2073(c)18(), 10-2073(c)(21), and 10-2073(c)(24), including the titles thereof, is rewritten to read "special residential-30".

Section 5. The first column of the table entitled "Yard Requirements and Density Standards According to Zoning Districts" appering on page 10-41, Supp. no 14, 1-85 of the Raleigh City Code is hereby amended to change the words "conditional residential-30" to read "special residential-30".

Section 6. The first sentence of Raleigh City Code provision 10-2073(c) is hereby amended to insert after the word "location" the following parenthetical material: "(The locations referred to herein apply to general use and conditional use districts unless the conditional use district ordinance specifically states otherwise.)".

Section 7. Section 10-2092 of the Raleigh City Code is hereby amended to add to the beginning thereof the following:

"(a) General and overlay use zoning districts. In general and in overlay use zoning districts,"

Section 8. Section 10-2092 of the Raleigh City Code is hereby amended to add to the end thereof the following:

"(b) Conditional use zoning districts. In addition to the foregoing in subdivision (a), in conditional use zoning districts, all plans submitted to the city for approval shall comply with the conditions and regulations of the conditional use zoning district. If a site plan is otherwise required to be approved within a particular general use zoning district, a site plan showing the approved conditions must likewise be approved for the corresponding conditional use district. If no site plan is required to be approved as part of the corresponding general use zoning district, a site plan which meets the adopted conditional use district zoning ordinance for the property shall be approved by the city manager or his designated staff if the conditions of the zoning district relate to improvements or landscape features, including without limitation: streets, access point, yard areas, screening, buildings and accessory uses, parking, drainage, services areas, signs, appearance of exterior features, impervious coverage, utilities, or grading. This site plan shall show:

(1) Location, height, setbacks of buildings, accessory uses and structures, including parking, circulation, driveways and access points;

(2) Improvements and dedication of public improvements that are required by the conditional use zoning ordinance;

(3) If landscape requirements or buffer/transition yards are required by the conditional use zoning ordinance, the site plan shall show topography, the location and size of existing and new planting areas, location, number, spacing size and type of planting, and details relating to berms, fences, or walls;

(4) Other features and dimensions and items which the city manager or his designated staff determines are necessary to evaluate if the request will meet the requirements of the conditional use district zoning ordinance.

The decision of the city manager or his designated staff shall be posted in the office of the city clerk and treasurer, said posting shall at a minimum indicate: the date of posting, the name of the project and its general location, whether the project has been approved; approved conditional; or disapproved and where the public may inspect a copy of the submitted project material. No city permits for the project shall be issued until after five normal working days excluding Saturdays and Sundays and legal holidays following the posting of the decision in the office of the city clerk and treasurer. The posting day shall not be counted as a normal workday when applying this rule. Failure to observe any of the provisions of this paragraph shall not void the action taken.

Within the time period that no permits are issued, any aggrieved person may file a petition with the city clerk appealing the decision of the city manager or his designated staff to the city council. The city council shall take no action on the appeal until after a recommendation thereon has been made by the city planning commission. During the pendency of an appeal, no city permit shall be issued.

After approval of the city manager or his designated staff, a copy of the approved plan shall be filed with the department of inspections and all city permits will be issued only in conformance with the approved site plan or project plan.

Within three (3) years after the approval by the city manager or his designated staff at least one-half of the gross floor area shown on the approve plan shall be completed and the remaining half of the plan shall be completed two (2) years thereafter or within five (5) years from the approval of the plan. Failure to complete construction required herein shall automatically void the unconstructed portions of the approved site plan unless the city council, following a recommendation of the planning commission and director of planning, finds that:

a. A request for an extension has been made to the planning director prior to the expiration period; and

b. Unconstructed portions of the preliminary plat conform to all ordinances, laws, city policies, and provisions of the comprehensive plan in effect at the time of the requested extension; and

c. The delay in construction could not have been prevented by due diligence.

Changes to the approved conditions of the zoning ordinance shall be considered the same as changes to the zoning map and shall be processed in accordance with the provisions of section 10-2113. However, the planning director may approve without city council or planning commission review changes to the approved plan which satisfy the following requirements:

1. Expansion of existing building or structure or construction of an accessory building or structure, representing five (5) percent or less of the floor area of the existing proposed buildings or structures on the project; or

2. Alteration of an approved plan which involves expansion of an approved building or structure, or the addition of an accessory building or structure representing five (5) percent or less of the floor area of the approved buildings or structures on the plan; or

3. Expansion or changes in off-street parking of less than five (5) percent of the area of the existing or approved parking consistent with section 10-2061; or

4. Minor alterations or other features, including relocation of buildings or uses on the approved plan, which represents the same general building relationships, topography, landscaping and minimum standards; or

5. Alterations to signs which conform with section 10-2065 through 10-2066.4 inclusive.

The planning director must make the following findings before approving each amendment to an approved plan:

i. The landscaping or screening on the site, or on the approved plan is not diminished; and

ii. The off-street parking is not reduced below the minimum required by this code; and

iii. The number of access points to a public street is not increased or substantially relocated; and

iv. The circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles; and

v. Changes or additions do not require subdivision approval or otherwise violate any provision of this Code; and

vi. The changes do not violate any provisions of applicable conditional use zoning ordinances.

Such decisions of the planning director do not have to be posted in the office of the city clerk, and they shall become effective immediately.

State law reference - 1985 Session Laws Chapter 49.".

Section 9. Section 10-2112 of the Raleigh City Code is hereby amended to add a new provision which shall follow code provision 10-2112(2)g and it shall read as follows:

"The following rules of interpretation shall be application to the provisions of part 10 of this code:

(a) A district name, whether abbreviated or not, indicates that the regulations pertaining to the district apply to both the general use and the corresponding conditional use district except when the conditional use district ordinance applicable to this property explicitly provides otherwise or when the contrary clearly appears in the text of the code provision.".

Section 10. Subsections 10-2113(b) through 10-2113(n) are relettered 10-2113(c) through 10-2113(o) respectively. Section 10-2113 is further amended to add a new subsection 10-2113(b), and said new subsection shall read as follows:

"(b) A conditional use zoning petition shall only be submitted from all the owners of the property included in the petition. The petition must specify the actual use or uses, including the maximum number of dwelling or rooming units, and all land development regulations which are requested for the property submitted for rezoning. The requested use or uses must be permitted in the corresponding general use district. All those regulations which apply to the corresponding general use zoning district are the

minimum requirements in the conditional use zoning district. In addition, conditions which represent greater restrictions on development and use of the property than would apply in the corresponding general use zoning district, or which involve subdivision, flood protection or other limitations on land which may be regulated by City and State law, may be specified in the petition.

Upon delivery to the newspaper for publication of notice of a conditional use zoning district application, no amendments to the conditions specified may be added to the petition which are less restrictive, including but not limited to less setback, more dwelling or rooming units, greater height, more access points, new uses, and fewer improvements. However, more restrictive conditions, or additional conditions, may be added in writing to the petition by all owners of property covered by the petition, if such additions are received by the planning director within forty days following the public hearing on the request and at least two normal working days, excluding Saturdays and Sundays and legal holidays, before the date of final City Council action. The day of City Council action shall not be counted as a normal workday when applying this rule.

No condition may be made part of the petition which specifies ownership status, race, religion, or character of occupant, minimum value of improvements, or any other exclusionary device.

For any condition specified on the petition which may affect potential compliance with the requirements of the comprehensive plan, applicable redevelopment plans, or subdivision ordinance, or any other city ordinance on the property requested for rezoning, proper submittal of information and review may be requested by the planning department, including requirements under Chapter 3 of this part, prior to a City Council decision on the rezoning.

Section 11. The second sentence of former subsection 10-2113(c) of the Raleigh City Code which is recodified herein as 10-2113(d) is repealed, rewritten, and reenacted to read as follows: "No application for a general use zoning district can be changed to a conditional use zoning district unless:

(1) The change is requested by all owners of the property included in the petition; and

(2) City Council, following a recommendation from the Planning Commission, authorizes the change, based on a finding that it represents a substantial change from the general use zoning district; and

(3) The change to a conditional use zone is readvertised in accordance with all procedures required by section 10-2113.

The application for a zoning map amendment cannot be withdrawn following its delivery to the newspaper for publication of notice of a public hearing.".

Section 12. Former subsection 10-2113(h) of the Raleigh City Code which is recodified herein as 10-2113(i) is further amended to add a new last sentence thereto which shall read as follows: "For a conditional use zoning petition, the conditions specified in the petition shall be stated.".

Section 13. The first sentence of former subsection 10-2113(j) of the Raleigh City Code which is recodified as 10-2113(k) herein is further amended to add at the beginning thereto the following: "For a general use or overlay zoning district,".

Section 14. Former subsection 10-2113(j) of the Raleigh City Code which is herein recodified as 10-2113(k) herein is further amended by adding a new sentence between the first and second sentence of this section which shall read as follows:

"For a conditional use district, the city council shall approve or disapprove the petition on the basis that the specific use or uses and development regulations and conditions requested fulfills or does not fulfill the objectives of this chapter as described in 10-2001.".

Section 15. The last sentence of former subsection 10-2113(j) of the Raleigh City Code which is recodified as 10-2113(k) is further amended to insert after the word "arguments" the following words: "For all requests for amending the official zoning map,".

Section 16. Part 10 Chapter 2 of the Raleigh City Code is hereby amended to add a new section; 10-2116, which shall read as follows:

"Sec. 10-2116 Severability of conditional use zoning ordinances.

If for any reason any specific condition or regulation of a conditional use zoning district ordinance is found to be invalid, it is the intent of this section that such invalidity shall not affect other provisions or application of the conditional use zoning district ordinance. However, if the property owner challenges any specific condition or regulation of a conditional use zoning district, then the entire zoning ordinance shall be void and the property shall return to its prior zoning classification.".

Section 17. Section 10-6035 of the Raleigh City Code entitled limitations on the issuance of permits is hereby amended to add to the end thereof a new cross reference which shall read as follows:

"Cross reference - limitations on issuance of permits in conditional use zoning districts §10-2092(b).".

Section 18. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 19. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 20. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 21. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 22. This ordinance shall become effective upon its adoption.

Adopted: 7/2/85

Effective: 7/2/85

***SC-24-85 - BREWLIN PROPERTY - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to locate a temporary display area and parking on a one-acre site, zoned Shopping Center. The site is undeveloped but is frequently used as a display area.

CR-5613 from the Planning Commission recommended that this request be approved according to a map entitled, "Brewlin Property," the property of Brewlin, Incorporated, drawn by Brewlin, Incorporated, dated April 26, 1985, with the following conditions: (1) That any permit be issued in accordance with all Inspections Department policies; (2) that a five-foot strip between the parking and right-of-way be landscaped; (3) that areas not used for parking and sales or display areas be treated with an appropriate ground cover which is maintained in good condition; (4) that the parking area be provided a non-erodible surface; and (5) that parking spaces be clearly defined with access physically limited as shown on the site plan.

Planning Director explained the proposed approval with Mr. McNeely explaining the Planning Commission's discussion. Ms. Cates pointed out she did not see a clear set of standards relating to the display therefore, she would request this item be referred to Public Works Committee. Her motion was seconded by Ms. Block and after brief discussion put to a vote which passed unanimously. The Mayor ruled the item adopted.

***REZONING Z-73-85 - TRAILWOOD DRIVE - DENIED

This was a request for approval to rezone approximately 39.5 acres from Residential-4 to Conservation/Buffer (1.5 acres), Conservation/Buffer to Residential-10 (1.0 acre), and Residential-6 to Residential-10 (37 acres), all according to maps on file in the Planning Department.

CR-5637 from the Planning Commission recommended that Z-73-85 be approved as amended; that is, that the property contained in Z-73-85 be rezoned to Residential-10 and Conservation/Buffer according to the map labeled, "Map B - Proposed Rezoning," attached to the letter from the petitioner, John W. Graham, dated June 11, 1985.

Planning Director Chapman explained the request. Mr. McNeely indicated this particular case was tracking with the Southwest/West plan. Planner Hicks explained the Planning Commission's recommendation. Mr. McNeely pointed out approximately the same number of dwelling units could be built with the proposed rezoning as could be built under the existing zoning. He indicated the comprehensive plan recommended medium density in this particular area and the Planning Commission felt that this request fits comfortably within that. Mr. Calloway questioned if the subcommittee addressed the question of land locked property with Mr. McNeely indicating that question had been cleared up. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb.

Ms. Block indicated she had just stated that she approved of the Southwest/West plan but she does not feel that this particular piece of property fits into it. She indicated if this rezoning is approved it would put a piece of R-10 property between R-4 and R-6 property. Ms. Block spoke to the comprehensive plan and the housing of NCSU students, lack of other type housing in an area, and explained this is the last piece of R-4 and R-6 land in this area. The oversaturation of apartments in this area was spoken to by Mr. Keller and Ms. Block who both indicated they felt there was an oversaturation. Mr. Congleton pointed out part of the property is already zoned Residential 6 so apartments could be placed there anyway. The need for faculty type housing in this area was discussed after which the motion as stated was put to a vote with results as follows: ayes - Babb, Congleton; no - Upchurch, Walters, Block, Calloway, Cates, Keller. The Mayor ruled the motion defeated therefore, the property would stay as it is presently zoned.

COMMITTEES, COMMISSIONS AND BOARDS

***HISTORIC PROPERTIES COMMISSION - NOMINATIONS MADE

The City Clerk reported five vacancies remain on the Historic Properties Commission. Robert Anderson has been nominated. Mr. Walters nominated Ruth Little, 3501 Turnbridge Drive. Ms. Babb nominated Feyma Nye, 5825 Timber Ridge Drive. No other action was taken.

***ARTS COMMISSION - APPOINTMENT MADE

You have one vacancy due to the resignation of Patricia Caple. Nominations include Katy McKoy and Horace Caple. Nominations have not been closed. There being no further nominations, Ms. Babb moved that nominations to the Arts Commission be closed. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Caple-5 (Keller, Cates, Calloway, Walters, Block); McKoy-3 (Babb, Congleton, Upchurch). The appointment of Horace Caple to the Arts Commission was announced.

***CIVIC CENTER AUTHORITY - NO APPOINTMENT MADE

The City Clerk reported one vacancy due to the resignation of Jim Ramsey. Nominations include John Booth, Jessie Brinkley, and Louise Lockwood Zorowski. There being no further nominations Ms. Babb moved that nominations to the Civic Center Authority be closed. The motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Booth-3 (Babb, Congleton, Upchurch); Brinkley-3 (Cates, Calloway, Walters); Zorowski-2 (Block, Keller).

Since no nominee received 5 votes, a second ballot vote was taken and resulted as follows: Booth-3 (Congleton, Babb, Upchurch); Brinkley-3 (Calloway, Cates, Walters); Zorowski-2 (Block, Keller). It was agreed to hold further action until the next meeting.

***APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported the terms of Carlton Midyette, and Vince Zucchino expire August 16. Both have nominated for reappointment. Mr. Congleton indicated he had nominated Mr. Midyette but after discussing the matter with him, he would like to withdraw Mr. Midyette's name and place in nomination the name of Carole McCormick. No further action was taken.

***BOARD OF ADJUSTMENT - NO APPOINTMENT MADE

The City Clerk reported the term of alternate member Micou F. Browne expires August 15. Nominations include Mr. Browne and Ann Franklin. Nominations have not been closed. Mr. Congleton moved the nominations to the Board of Adjustments be closed. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Franklin-4 (Calloway, Cates, Babb, Block); Browne-4 (Walters, Upchurch, Keller, Congleton). Since no member received 5 votes, a second ballot vote was taken with the following result: Browne-4 (Walters, Upchurch, Congleton, Keller); Franklin-4 (Babb, Calloway, Cates, Block). No further action was taken.

***HUMAN RELATIONS AND HUMAN RESOURCES ADVISORY BOARD - APPOINTMENT MADE

The City Clerk reported the term of Kay Holder expires August 16. She has been nominated for reappointment and nominations have not been closed. There being no further nominations Ms. Babb moved that nominations to the Human Relations and Human Resources Advisory Board Committee be closed and Kay Holder be reappointed by acclamation. Her motions was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CIVIL SERVICE COMMISSION - JACK T. WALL CONFIRMED

The City Clerk reported the Civil Service Commission elections held during the week of June 17-21 resulted in the election of Jack T. Wall. He received 420 votes or 57.8% of all valid ballots cast. The City Clerk explained that the election of Mr. Wall is to replace Ed Carson who is the general employees representative on the Civil Service Commission. Mr. Walters moved that Mr. Wall's appointment be confirmed. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***EASTSIDE NEIGHBORHOOD TASK FORCE - PAULINE FRAZIER APPOINTED

It was pointed out that at a recent Council meeting it was agreed to enlarge the Eastside Neighborhood Task Force by including representatives of several groups. It was pointed out the Raleigh-Wake Citizens Association has submitted the name of Pauline Frazier, 2316 Holiday Drive, as their representative on the East Side Neighborhood Task Force. Mr. Calloway moved that Ms. Frazier be confirmed as a member. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***SWIMMING POOL FEES - WAKE COUNTY SCHOOL SYSTEM - ADMINISTRATION AUTHORIZED TO PROCEED WITH WORKING OUT DETAILS

Mr. Keller reported the Law and Finance Committee recommends approval, in concept, of a program for school use of City swimming pools as outlined in the memo included in the Agenda packet, dated May 20, 1985, and directing Administration to continue to work and refine this program. On behalf of the committee Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block indicated when this concept is refined she would like for Administration to give the Council information on the extra cost for keeping the pools open longer, with City Manager Benton indicating he understands that this agreement would have to come back to the City Council for final approval. Ms. Block pointed out she felt it was a good idea, she just wanted information on the cost. The motion as stated was put to a vote and passed unanimously.

Later in the meeting City Manager Benton indicated he has been advised that the program will only take place during the times that the pools are ordinarily opened. He indicated the estimates provided would be for instructors that there would be no additional cost for pools being open. Assistant City Manager Carter indicated the discussion about the arrangement at Ridge Road pool relates to the fact that Ridge Road pool opens a little earlier than and closes later than the other pools to accommodate the period that the bubble is being installed and being removed at Optimist. Mr. Calloway questioned if the City envisioned the possibility of this eventually involving other schools in the city with City Manager Benton indicating possibly it would. He indicated this is the first time we have gotten this far. After brief discussion, Ms. Block moved that Administration be authorized to proceed and consummate this agreement and continue working out the details with the school administration. Her motion was seconded by Ms. Babb which passed unanimously. The Mayor ruled the motion adopted.

***TRIANGLE J COG - CITY MEMBERSHIP AND COST - REMOVED FROM THE AGENDA

Chairman Keller reported the Law and Finance Committee recommends that this item be removed from the agenda with no action taken other than the City of Raleigh's support and participation in Triangle J COG. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-40-85 - STRICKLAND ROAD - APPROVED - ORDINANCE ADOPTED

Chairman Keller reported the Law and Finance committee recommends that the Planning Commission's recommendation to rezone the property covered by Z-40-85 to Residential-10 be upheld. That is, Parcel 210, Tax Map 301, be rezoned to R-10. On behalf of the committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block pointed out she does not feel that Creedmoor Road can stand any more additional traffic therefore, she will have to vote against this motion. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 604 ZC 165

***COMMITTEES, COMMISSIONS AND BOARDS - NOMINATING PROCESS COMMITTEE APPOINTED

Chairman Keller reported the Law and Finance Committee recommends that a nominating committee, consisting of three Council Members to be appointed by the Mayor on a rotation basis of three months each, be appointed with the understanding that nominations would be allowed from the floor when the nominating committee makes its recommendations. On behalf of the committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. In response to questions, Ms. Babb pointed out that the appointments that are already in the process would be handled in the way they have been handled in the past and others appointments that have not been announced would go through the committee process. Mr. Walters indicated he can envision this process allowing the Council to sort out and have some dialogue on the people who want to serve on various committees. He indicated the committee would be charged with the responsibility of keeping up with those who want to serve, etc. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Later in the meeting, Mayor Upchurch named Mr. Walters-Chairperson, Ms. Babb and Mr. Calloway to serve on the nominating committee for the first rotation.

***TOWING CONTRACT - RATES ESTABLISHED - ADMINISTRATION TO SOLICIT BIDS

Chairman Keller reported the Law and Finance Committee recommends that the present towing contract not be amended with the exception of rates, which the Committee recommends be established as follows: storage - $5.00; wreck tow - $40.00; routine tow - $25.00; large tow - $55.00, and service call - $15.00. It is understood that Administration will advertise for companies to be placed on our towing contract. On behalf of the committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CABLEVISION - TELEVISING OF COUNCIL MEETINGS - REFERRED TO ADMINISTRATION AND TELECOMMUNICATIONS COMMISSION

Chairman Keller reported the Law and Finance Committee recommends that Administration and the Telecommunications Commission be directed to proceed with purchasing equipment and/or making arrangements to televise City Council meetings. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***WATER BILL - 126 E HARGETT STREET - REDUCTION AUTHORIZED

Ms. Block reported the Public Works Committee recommends that the April water bill of $97.21 be reduced to $25.62 which is the average of bills for the last 12 months. It is noted other months should be paid as billed. On behalf of the committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***OFFICE CENTERS - SERVICE FACILITIES - TEXT CHANGE AUTHORIZED FOR PUBLIC HEARING

Ms. Block reported the Public Works Committee recommends setting a public hearing on a proposed text change that would define the extent of service facilities in office centers. The proposed text change was included in Agenda packets. On behalf of the committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Ms. Block indicated the Committee felt they should put the words "beauty shop" in parentheses after cosmetic art. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STREET IMPROVEMENTS - LAKE BOONE TRAIL - AMENDED RESOLUTION ADOPTED: ITEM RETAINED IN COMMITTEE

Chairperson Block reported the Public Works Committee recommends that Resolution (1985) 766 which is the Resolution of Intent calling for street improvements on Lake Boone Trail be amended to indicate this is a forced rather than a petitioned project. This item is being held in Committee for further review. Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-859

A RESOLUTION TO REPLACE RESOLUTION 1985-766 AND TO INDICATE PROPOSED IMPROVEMENTS ARE FORCED IMPROVEMENTS RATHER THAN PETITIONED IMPROVEMENTS

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains and paving forty-one feet back-to-back on Lake Boone Trail from Edenburgh Road to Brooks Avenue with the installation of sidewalk on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. Sidewalk improvements shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, except in a residential zone the Council may direct that new sidewalks be constructed on one side and assessed against property abutting both sides.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street and sidewalk improvements assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 7th day of May, 1985, in the Council Chamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina or as soon thereafter as the matter can be reached.

Adopted: 7/2/85

***THOROUGHFARE DISTRICT ZONING - PROPOSED TEXT CHANGE - AUTHORIZED FOR PUBLIC HEARING

Ms. Block reported the Public Works Committee recommends setting a public hearing on a proposed text change that would allow a residential density of ten units per acre as a matter of right in Shopping Center and Thoroughfare Districts. Council approval of a special use permit would be required for densities up to forty units per acre in thoroughfare district zoning and thirty residential units in shopping center zoning. On behalf of the committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TRAFFIC - WOODLAND AVENUE SPEED LIMIT REDUCTION - NO ACTION TAKEN

Ms. Block reported the Public Works Committee recommends the speed limit on Woodland Avenue remain 35 mph. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Ms. Cates indicated she talked with some people on Woodland Avenue and they apparently want to continue to have dialogue. She stated she understands they have a petition and have had the police go out and do some surveys and they may want to come back to the City Council with some additional information. Ms. Block indicated if residents along Woodland Avenue have additional information they would be welcomed to bring it back to Council. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***SC-23-85 - WATSON'S SHOPPING AREA - APPROVED WITH CONDITIONS

Chairperson Block reported the Public Works Committee recommends that the recommendation of the Planning Commission be upheld as follows: That this request be approved according to a map entitled, "Watson Shopping Area," the property of Ebern Watson, drawn by Bill Christian, CHR Associates, dated May 16, 1985, with the following conditions: (1) that the existing improvements and backfill to the open canopy below the floodway elevation be removed; (2) that the enclosure of the open canopy not take place unless the City Council finds that after a review by the City Inspections Department, the Corps of Engineers and FEMA, the enclosure does not violate Section 10-4010, "Floodway area; restrictions on existing structures;" and, (3) that the private fire hydrant low pressure and flow problems be resolved (even if it is necessary to provide a 6-inch or 8-inch water line) prior to occupancy of the proposed retail building for the Flea Market. It is also recommended that the City accept the offer of a Greenway Easement Dedication as shown on the site plan. On behalf of the committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***S-76-85 - CRABTREE IMPROVEMENT COMPANY - APPROVED WITH CONDITIONS: GREENWAY ACQUISITION - REFERRED TO THE REAL ESTATE COMMITTEE

Chairperson Block reported the Public Works Committee recommends that the Planning Commission recommendation be approved according to a map entitled, "Crabtree Improvement Company," developed by Crabtree Improvement Company, Incorporated, drawn by B. Kenneth Martin, dated January 20, 1985, with the following conditions: (1) That a 150-foot greenway easement, measured from the centerline of Crabtree Creek with exceptions as shown on the map prepared by the Greenway Staff, be reserved prior to recording the final plats as required by Section 10-3019; and (2) that Lot 4 as shown on the plan be reserved by combining with adjacent properties. The Committee recommends an additional provision that the develop be required to install the sidewalk along Hertford Street or an alternative pedestrian walkway as specified by the City which would become part of the greenway trial. On behalf of the committee, Ms. Block moved the recommendation be upheld and the subdivision approved with the conditions outlined but that this item be referred to Real Estate Committee to discuss the greenway in this plan. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-13-85 - SUPREME CAR WASH - APPROVED WITH CONDITIONS

Chairperson Block reported the Public Works Committee recommends that this request be approved according to a map entitled, "Supreme Car Wash," the property of Ray L. Smith, drawn by Ragsdale Consultants, P.A., dated March 22, 1985, with the condition that the two parcels (74 and 101, Map 303) be recombined into one parcel prior to the issuance of building permits. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUBDIVISION S-88-85 AND PA-76-85 - ST MARY'S PLACE - APPROVED: CITY DOT TO LOOK AT POSSIBILITY OF SIGNAGE

Chairperson Block reported the Public Works Committee recommends approval of the subdivision and plan approval as recommended by the Planning Commission on CR 5615 and CR 5616, respectively. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Ms. Block pointed out the committee noted that the developer is to try to establish only right turns in and out of the St. Mary's Street access. She explained the developer has said he could do this only by cutting two large oak trees, therefore, she would ask the City Department of Transportation if this could be done by signage.

***REZONING Z-61-85 - OLD WAKE FOREST ROAD - REZONED - ORDINANCE ADOPTED

Chairperson Block reported the Public Works Committee recommends that the property included in rezoning application Z-61-85 be rezoned to neighborhood business as requested. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 604 ZC 165

***PRIVILEGE LICENSE - RALEIGH CITY LIMITS - APPROVED

Chairperson Block reported the Public Works Committee recommends the approval of Class I Entertainment license for Raleigh City Limits as requested. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

***COLLECTOR STREET PLAN- REQUEST TO DELETE SLEEPY HOLLOW DRIVE - PUBLIC HEARING AUTHORIZED

Chairperson Babb reported the Comprehensive Planning Committee recommends that a public hearing be scheduled to consider the removal of the extension of Sleepy Hollow Drive as a collector street in the Comprehensive Plan. It is suggested that the public hearing be scheduled during the July joint hearing with the Planning Commission. On behalf of the committee, Ms. Babb moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE RALEIGH CITIZENS ADVISORY COMMITTEE

***RALEIGH CITIZENS ADVISORY COMMITTEE - BI-ANNUAL REPORT - RECEIVED

Howard Miller, immediate past President of the Raleigh Citizens Advisory Council, was at the meeting indicating Council members had received a copy of the bi-annual report in their Agenda packet. Mr. Miller indicated in preparing the report he read all of the minutes of the CAC's for two years. He indicated his conclusion is that there should be a CAC, they should be maintained, and additional staff should be added. He called on the Council to continue to keep an attentive ear to the recommendations of the CAC. He pointed out that, frequently there are criticisms about the number of people who attend CAC meetings. He indicated he feels that 15 persons per meeting attendance record is a conservative number, pointing out, many times there are fewer than that at a meeting but other times there is a much larger number in attendance. He stated, however, an average is approximately 200 people per month attending the CAC meetings. He indicated in his opinion the CAC is a relatively conservative organization trying to keep neighborhoods in their status quo. He stated it is a quite outstanding group of people as it relates to education, credentials, interests, etc. He indicated the report received by Council includes a list on the number of activities the CAC has been involved in. He stated indeed the CAC's did pay a lot of attention to zoning cases but pointed out there was a lot of zoning activity and people will pay attention to land use planning in their area. He stated the question had been asked as to how much influence the CAC has and he has no way to make a judgment of that. He commended the City of Raleigh for the CAC's, pointing out he feels Raleigh has set an example for the rest of the nation as it relates to citizen participation. Mr. Calloway questioned how the CAC report will be distributed, with it being pointed out there will be copies placed in the libraries and the Chairmen of the 18 CAC's will come and pick them up to be distributed at local meetings. It was pointed out 1000 reports were printed and about 2000 brochures. Mayor Upchurch indicated he feels that the City Administration and the City Council that is sitting at the time of the report should be the Administration and Council listed in that report. Mr. Walters suggested that prior to distribution that the City make up a list showing the time, dates and places of the various CAC meetings and insert them. Ms. Block suggested that rather than calling the Chairmen of the 18 CAC's to come in and pick up the reports for distribution that the City staff just take them to the next CAC meeting.

Mayor Upchurch expressed appreciation to the CAC's and spoke to the growth and projected growth of the City of Raleigh. He indicated he does not feel that a lot of people understand what is happening in Raleigh pointing out we have a good climate, good resources, and it is a good place to live and the population continues to climb. He stated he feels we have a great challenge before us in protecting our resources and he feels that in a short time Raleigh will be the place in the United States that all eyes will be focused on and it is a matter of the elected officials hanging tight and make good decisions to keep the quality of life high. Bernadine Weddington supported the comments made by Mr. Miller and indicated at a recent Law and Finance Committee meeting there was discussion about the CAC's getting more exposure. She pointed out on Channel 13 during the month of July the CAC's will be featured on Tuesdays and Thursday nights.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

NONE

TRIANGLE J COUNCIL OF GOVERNMENTS - DELEGATE REPORT

***TRIANGLE J COUNCIL OF GOVERNMENTS - INFORMATION RECEIVED; CITY TO ENTER AWARD PROGRAM

Mayor Pro Tem Walters indicated at the last meeting of Triangle J COG the budget for FY 85-86 was approved and officers were elected. He explained a ride sharing program called Tri-A-Ride is getting off to a good start. He explained that Chapel Hill was asked to apply for a UMTA grant for this program and briefly explained the program. He indicated the Council will be getting a report on Lake Jordan coming from the Water Resources Committee. He explained the Triangle Development Awards Program and pointed out the deadline for applications is July 26.

Ms. Block pointed out last year the new Municipal Building was entered in the competition and she did not think is took too much work to enter something in the competition. She suggested maybe the City of Raleigh could enter a greenway or some other portion of the City's work projects that are ongoing. She stated if we do not enter the greenway in the competion that maybe we could send some slides for use at the dinner. She stated if we give greenway slides for use at the dinner maybe we could enter something else in the competition. The comments were received.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***HOUSING STUDY REPORT - REFERRED TO WORK SESSION

Community Development Director Prosser presented Council members with a copy of the Raleigh Housing Study prepared by Real Estate Research Corporation. He also presented Council members with a copy of the executive summary. Mr. Prosser went over the background information leading up to this housing study and indicated the study included five major areas: an assessment of the Raleigh housing market and of low and moderate income housing needs; assessment of housing cost factors that can be affected by the City; private sector involvement; available and potential resources to address the City's housing problem; viable options. He went over the recommendations and the conclusion in these five major areas as outlined in the executive summary.

Mayor Upchurch indicated this is the fifth of the priorities this City Council established in the beginning of its term. He suggested that this item be referred to work session, pointing out he feels this will be a preliminary work session on this item. He stated there is a great deal of information and he has already received requests from the private sector asking that they be allowed to help analyze information in the report. Ms. Block indicated she feels that this is a very good report. She indicated that the Raleigh Housing Authority has money for 50 units that they cannot find a place to put them and she challenged the City Council to find a place for this subsidized housing. Ms. Cates indicated she would hope that the staff would give the Council the same type guidance that was given them on the parks such as where we have sites for housing, etc. After brief discussion, by general consensus the item was referred to work session.

***LEADMINE ROAD REALIGNMENT - PROPOSED AGREEMENT - APPROVED - FUNDS APPROPRIATED

The City's Transportation Plan calls for realignment of Leadmine Road north of Sawmill Road. The developer of the property involved with this project is undertaking this work. Because of required design conditions to connect with existing Leadmine Road, a small part of the construction will be outside the developer's property. It will require acquisition of a small area of land in the northeast corner of Leadmine Road and Sawmill Road.

It is desirous that this total road realignment be constructed at one time to assure a safe facility on this major road.

Recommendation: That the Council approve an agreement with the developer to provide that the City will acquire the above-noted land outside his project as needed for the new alignment and reimburse the developer for an amount of $15,322.80 which is equivalent to the cost for the full road cross-section cost outside the developer's project necessary for a full and safe design of this road. If this agreement is approved, a transfer of funds would need to be approved to provide for the City's costs as well.

City Manager Benton explained the proposal, pointing out the estimated amount of City money involved is approximately $15,000. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Ms. Block. Mr. Congleton questioned, in terms of acquisition of additional right-of-way, if it could be any more than it would have been to just widen Leadmine Road and if the City expected opposition. City Manager Benton indicated he did not know, pointing out this involved property at the back of the lots. The old alignment would be closed and how that would be accomplished was discussed briefly after which the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

Ms. Block indicated from time to time the City Council does take action to close a street and a lot of times it involves property that has been purchased. She stated she feels the policy of just giving the street right-of-way back to the adjoining property owners is not right. She indicated she would like to refer to administration the possibility of developing a policy of being able to sell this right of way. City Attorney McCormick indicated the disposition of right-of-way is controlled by state law as it relates to a street closing. Ms. Block suggested that maybe this is something we should put in our 1987 Legislative package.

***FLOODWAY AREA - PROPOSED CONSTRUCTION AT CRABTREE VALLEY SHOPPING CENTER - REFERRED TO THE LAW AND FINANCE COMMITTEE

The floodprone area regulations of the City has specific restrictions concerning building in floodway areas. Section 10-4010 stipulates that existing structures in the floodway may be repaired, improved, strengthened and enlarged; provided no construction will be permitted which will:

1. Enlarge the foundation area of the structure within the floodway;

2. Increase the bulk of the building or structure below the 100 year flood level; or

3. Enlarge the surface area perpendicular to the direction of flow of the watercourse to which the floodway relates.

The owner of Crabtree Valley Shopping Center is working with the State to modify traffic flow into the shopping center as part of the Glenwood Avenue/Beltline Interchange. As a general part of the traffic improvements in the area, the owner desires to add a second ramp to the parking lot on the south side of the center. This is within the floodway of Crabtree Creek.

The proposed improvements have been checked by the Corps of Engineers and verified to have no significant impact on the level of flood water conditions.

No provision has been made in the City Code to allow for variances to the floodway restrictions.

Recommendation: That the Council consider this particular request and the general question of variances for improvements to existing structures within the floodways where public benefits may be shown to justify the project.

City Manager Benton briefly explained the proposed improvements to the parking deck at Crabtree Valley Shopping Center, pointing out those improvements are needed for safety purposes, etc. He stated we are at a point that we have a conflict in objectives. Mayor Upchurch indicated he had talked to a representative of the Crabtree Valley Shopping Center and they are attempting to correct some of the traffic and safety problems they have. He indicated maybe a text change would be an answer to this situation. Ms. Cates indicated she has no problem but she does not want to have a variance or a text change that would allow a lot of construction in a floodway. She stated she would like to see any text changes tailored to this type situation. City Attorney McCormick indicated the Corps of Engineers and FEMA agree that this proposed construction would have negligible impact and explained that our restrictions were more strict than theirs and it is our ordinance that prohibits what is being proposed. City Manager Benton indicated the Crabtree Valley Shopping Center is making an effort to change the way the traffic flows around the shopping center to do away with some of the congestion, etc. Without objection, the item was referred to the Law and Finance Committee.

***BID REQUEST 84-71 - PORTABLE STAGING - BID AWARDED TO SICO, INC

Pursuant to advertising as required by law, bids received and publicly opened in the office of the Purchasing Agent on June 27, 1985 for portable staging with reports as follows: SICO, Inc.-$18,500; Universal Equipment Company-$21,970. Administration recommends the low bid submitted by SICO, Inc. be awarded. Mr. Congleton moved that Administration recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***WAKE COUNTY OFFICE PARK - PROPOSED AGREEMENT - AUTHORIZED

The County is proceeding with development of their office park on Poole Road. As part of their subdivision obligations under the City development standards, there is an obligation to make road improvements adjacent to their project. This includes the future improvements and realignment for Poole Road at Ajinomoto Road. The County proposes to dedicate the necessary right-of-way for this road along their southern property line and to provide a letter of assurance to cover the cost of the future road improvements on their portion of the road.

Recommendation: That the Council authorize Administration to accept a letter of assurance from Wake County which would commit the County to pay the City the cost of constructing the future roads adjacent to their property with such payment to be made when determined by the City that the particular roads should be constructed. Ms. Cates moved Administration's recommendation be upheld. Her motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***BRIDGE PROJECT - STATE DOT - CITY TO GRANT ADDITIONAL RIGHT-OF-WAY

The State plans to replace a bridge on a rural public road adjacent to Lake Benson. The project requires additional right-of-way from City-owned property which is part of the Lake Benson tract which would total 1.06 acres. This is a public safety improvement.

Recommendation: That the Council approve the grant of the additional right-of-way to the State needed for this project. City Manager Benton briefly explained the proposal pointing out the bridge is located improperly now and the right-of-way for improvement of the bridge is City owned property. Ms. Cates moved the City Manager's recommendation be upheld and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***INSURANCE COVERAGE - LIABILITY - MANAGERS ACTION UPHELD

As discussed in the budget sessions, the City has been having difficulty getting insurance companies to give us proposals for our liability insurance. We finally received proposals from Nationwide Insurance Company which continues the same coverage we now have and with annual premiums less than the budget estimate. Because of the short time to review and bind this policy to be effective July 1, 1985, I approved the transaction to this firm.

Recommendation: That the Councils concur with the retention of Nationwide Insurance Company to provide the City's general liability, vehicle liability, and vehicle damage insurance coverage. Ms. Babb moved the Manager's action be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***NELLO TEER CORPORATION - QUARRY - DETERMINED TO BE NON-CONFORMING USE

City Attorney McCormick presented Council members with a copy of the letter he had mailed to the Nello Teer Corporation recently. He indicated recently various people have observed lumbering and landscaping activities underway on the tract of land owned by Nello Teer Rock Quarry, on the south side of Crabtree Creek. He indicated he has set up the meeting with representatives of Nello Teer to discuss this activity. He is recommending that the City Council take the position now that this would be an illegal expansion of a non-conforming use, pending an in-depth report to the Council at the next meeting. Ms. Block indicated in view of the fact that this property is zoned R-4, that the City Council determine that this is illegal expansion of a non-conforming use. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

***BUSINESS AND TECHNOLOGY CENTER STUDY - REQUEST TO CHAMBER OF COMMERCE - REPORT TO BE MADE AT JULY 16 COUNCIL MEETING

Mayor Upchurch proposed that the City request that the Raleigh Chamber of Commerce agree to the following terms for the commencement of a feasibility study relating to the Business and Technology Center: (1) that the city would review and concur with the scope of the work to be undertaken by the consultant performing this study; (2) that the study be focused in locating a center in Raleigh; (3) that the request for proposal to undertake the study provide the opportunity for Control Data Corporation to submit a proposal; (4) that the study be commenced within 90 days.

Mayor Upchurch proposed that this agreement be submitted to the Chamber of Commerce for their consideration and that a report be made at the July 16, 1985 Council meeting. Ms. Babb indicated she assumed that No. 3 would mean that Control Data would have the same rights as everyone else with Mayor Upchurch indicating that is correct. Brief discussion took place and Mr. Walters moved the proposal as submitted by the Mayor be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY COUNCIL WORK SESSION - AUGUST 15 - CANCELLED

Mayor Upchurch indicated the City Council had cancelled the August 20 Council meeting. He questioned whether the Council wanted to cancel the August 15 work session. By general consensus, the August 15 work session was cancelled.

***RALEIGH DURHAM AIRPORT - UPDATE ON EXPANSION PLANS TO BE PLACED ON NEXT AGENDA

Mayor Upchurch requested that an item be placed on the next agenda to give our appointees to the Raleigh Durham Airport Authority an opportunity to give us an update and a progress report on the work going on at the airport. He suggested that this be placed on the next agenda early in the meeting. Without objection this was agreed to.

***CITY COUNCIL - CONCERNS OF STAFF - COMMITTEE APPOINTED TO WORK WITH THE MANAGER

Mayor Upchurch indicated during the Executive Session relating to personnel evaluations, the City Council had some concerns about how the City Council office staff operates. Mayor Upchurch requested that Mr. Keller and Ms. Cates work with the City Manager as to the duties and responsibilities of the three staff members assigned to the City Council and how it relates to the work of the Council. Without objection this was agreed to.

***WAKE DELEGATION - TO BE INVITED TO JULY 19 EVENT

Mayor Upchurch indicated City Attorney McCormick felt it would be appropriate on July 19 for the City Council to invite the Wake delegation and their spouses to a dinner and to attend a performance of The King and I as a gesture of appreciation for their assistance in our 1985 Legislative package. By general consensus this was agreed to.

***SISTER CITY - INFORMATION ON KRUME CITY - RECEIVED

Mr. Walters indicated as a matter of information he would like to report that the Sister City Committee did receive some information from Krume City, Japan. He gave Council members copies of the information and brief discussion took place on the similarities of their flowers and greenway program to the City of Raleigh.

***PARKS AND RECREATION - POLICY ON LITTLE LEAGUE TEAMS - ADMINISTRATION TO GIVE A REPORT

Mr. Congleton indicated he understands that our the Little League teams sponsored by the Parks and Recreation Department are not able to compete outside the City Limits. He stated he does not know the issue or the facts behind this question. He stated it came up in that the champ of the City of Raleigh Little League team wanted to play the champion of the Cary Little League team but were told they could not as they could not compete with teams outside the city. He stated he feels it would be good if they would have that opportunity but they would like to have a report on the issues.

***RALEIGH ROCKETS - COMMENTS RECEIVED

Mr. Congleton indicated at the next meeting we will be having the 69 Raleigh Rockets in to be recognized. He pointed out they are a non-profit group and have won a tournament in Memphis and will be flying to Las Vegas to compete and will represent the City of Raleigh. He stated this is going to cost between $11-12,000 dollars and that includes the expenses for 18 boys and 2 coaches. He encouraged City Council members where possible to encourage companies, individuals, etc., to sponsor a boy pointing out this would cost about $500. He indicated he has got two sponsors himself and called on other Council members to try to help out. He indicated if anyone knew of someone who may be interested to please contact him and he will put them in touch with the right person.

***STREET IMPROVEMENTS- SIX FORKS ROAD - COMMENTS RECEIVED

Mr. Congleton indicated the City recently let a contract for the engineering for the improvements to Six Forks Road. He indicated there has been a tremendous number of accidents at the convenience store near Newton Road. He called on the staff to do everything possible to get the improvements on Six Forks underway, particularly that portion between Newton Road and Sawmill Road. He stated if we could get that four-laned it would help tremendously. The comments were received.

***OVERCROWDING ORDINANCE - COMMENTS RECEIVED

Ms. Block expressed appreciation to City Attorney McCormick and anyone else for their efforts in getting the overcrowding bill passed pointing out she feels this will save lives. She also introduced her candidate for the Board of Adjustment, Ann Franklin, who had been in the audience most of the meeting.

***PRIVILEGE LICENSE FEES - ADMINISTRATION TO PROVIDE INFORMATION

Ms. Block indicated she had learned that $25 is all it costs for a tavern to get a privilege license. She stated this no where near enough to cover the cost for investigation that the City has to do before issuing a privilege license. She indicated she would like to refer this to Administration to get some indication as to how much it actually costs to do the investigation for a privilege license. She stated for renewals it could be less but she feels the City should at least retrieve the costs involved in the investigation. City Manager Benton indicated the City staff did propose modification to the privilege license schedule sometime in the past and if the Council would like he could bring this proposal forward again. Administration was asked to give a report.

***APOLLO HEIGHTS TRAFFIC PROBLEM - ADMINISTRATION ASKED TO INVESTIGATE

Mr. Calloway asked Administration to check traffic problems in the Apollo Heights area. He indicated since school has recessed, there seem to be a number of kids driving recklessly on motor scooters, have hit a few mailboxes, etc. He indicated the problem seems to be centered around Lunar Drive, Eastern Boulevard and Solar Drive in the Longview Garden areas. Without objection Administration was asked to look.

***RIDGE ROAD SCHOOL - POSSIBILITY OF UTILIZING SCHOOL PARKING LOT - REFERRED TO ADMINISTRATION

Ms. Cates commended the Law and Finance Committee and Assistant City Manager Carter for their work on use of the swimming pools by Wake County schools. She indicated the pool at Ridge Road is highly used and this weekend she counted at least 30 cars on Ridge Road on several occasions. She stated maybe the City should look at the possibility of utilizing the school parking lot and maybe getting a path between the parking lot and the pool. The item was referred to Administration.

***PLANNING COMMISSION - STATUS REPORT OF PENDING ITEMS REQUESTED

Ms. Cates commended the Planning Commission for the hard work and long hours they spend in meetings. She stated she has attended many Planning Commission meetings and is very impressed with how they give of their time and energy. She stated, however, she does have some concern in that some items do get delayed for long periods of time. She stated she would like to have some type accounting or report of items that have been in the Planning Commission over 3 months and maybe get a progress report on these items. Without objection Administration was asked to provide the progress report.

***COUNCIL MEMBERS EXCUSED FROM THE NIGHT MEETING

Mr. Congleton and Mr. Calloway and Ms. Babb requested permission to be excused from the night portion of the meeting. Brief discussion took place with it being pointed out that this would leave only 5 members. Mayor Upchurch indicated without objection he would excuse these 3 members from the night portion of the meeting and any other Council members who did not show up would not be excused,therefore, their votes would count in the affirmative. He stated at the end of the afternoon meeting he would not adjourn but just continue the meeting so that the night portion could go on even if 5 members did not show up.

REPORT OF CITY CLERK AND TREASURER

***PAVING ASSESSMENT ROLL 697 - RESOLUTION ADOPTED - PUBLIC HEARING SET

Preliminary Paving Assessment Roll 697 was presented and recommended for adoption which will set a public hearing for August 6, 1985, to consider confirmation of cost for street improvements on Sherman Street. Mr. Walters moved adoption of the resolution as presented. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 860

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL
PAVING ASSESSMENT ROLL NO. 697
Powell Fund

WHEREAS, by Resolution No. 1983-186 adopted by the City Council on March 1, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving thirty-one feet back-to-back on Sherman Street from Carlton Avenue to dead end.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $21,322.86.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Charles A Murphy	1	0049646	180.0	2,160.00		$2,160.00
Martin L. Scott, III	2	0050511	103.63	1,243.56		1,243.56
Alda M. Neff	3	0050508	162.0	1,944.00		1,944.00
Nancy H. Stuart	4	0034200	205.0	2,460.00		2,460.00
Garry H. Hoover & Paul M. Swenson	5	0034933	217.94	2,615.28		2,615.28
Grover L. Edwards	6	0020120	150.0	1,800.00		1,800.00
Clyde R. & Mozelle Perdue	7	0017826	95.9	1,150.80		1,150.80
Harvey W. Senter & Timothy R. Smith	8	0050509	200.0	2,483.42		2,483.42
Longview Leasing Company	9	0053563	249.9	2,998.80		2,998.80
Garry H. Hoover & Paul M. Swenson	10	0034932	100.1	1,201.20	111.50	1,312.70
Garry H. Hoover & Paul M. Swenson	11	0034934	74.65	972.80	181.50	1,154.30

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 697 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 6th day of August, 1985, at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/2/85

***SANITARY SEWER EASEMENT - CROWN OAKS SUBDIVISION - RESOLUTION AUTHORIZED AND EXCHANGE ADOPTED

During the May 21 Council Meeting, Resolution 821 A relating to exchange of a sanitary sewer easement in Crown Oaks Subdivision was adopted. Proper procedures have been followed and it is recommended that Council adopt a resolution authorizing the exchange. Mr. Keller moved adoption of the resolution as recommended. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-861

A RESOLUTION AUTHORIZING THE EXCHANGE OF SANITARY SEWER EASEMENTS

WHEREAS, the City Council during their meeting held on May 21, 1985, adopted Resolution 1985-821A relating to exchange of sanitary sewer easements in the Crown Oaks Subdivision.

WHEREAS, all procedures as establish in G.S. 160A - 271 have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the exchange as outlined in Resolution 1985-821-A be authorized.

Adopted: 7/2/85

Effective: 7/2/85

***ANNEXATION PETITIONS - LAYTON GLEN - ARDEN CIRCLE AND COLD SPRINGS ESTATES - REFERRED TO THE CITY CLERK

The City Clerk indicated she had received petitions for the contiguous annexation of property known as Layton Glen covering approximately 15.6 acres, the contiguous annexation of approximately 69 acres known as Arden Circle and has also received a petition for the satellite annexation of approximately 52 acres known as Cold Springs Estates. She stated if the Council so desires, the next step would be to direct her to check the sufficiency of the petitions and schedule a public hearing if found sufficient. Ms. Babb moved that the annexations be referred to the City Clerk to follow the proper procedures. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CONTINUANCE

There being no further business, Mayor Upchurch announced that the meeting would recess at 4:15 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

The City Council met in a regular reconvened meeting on Tuesday, July 2, at 7:00 p.m., in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding,
Ms. Block
Ms. Cates
Mr. Keller
Mr. Walters

Absent and excused:
Ms. Babb
Mr. Calloway
Mr. Congleton

Mayor Upchurch called the meeting to order, explaining Ms. Babb, Mr. Calloway and Mr. Congleton had been excused from the meeting during the afternoon section of the meeting. The following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

***MORDECAI SQUARE HISTORIC SOCIETY - EVENTS FOR THE 200TH ANNIVERSARY- APPROVED

Daniel Ellison, Executive Director of the Mordecai Square Historic Society, was at the meeting indicating they are planning a large celebration on September 21 to celebrate the 200th anniversary of the construction of the Mordecai House. He indicated Council members had received information on this event pointing out that they are requesting that between 9:00 a.m. and 6:00 p.m., on September 21 (rain date September 22), that Mordecai Drive be closed to through traffic between Mimosa Street and Cedar Street. They are also requesting that they be allowed to arrange for selected crafts persons and food vendors to sell their wares at the Mordecai Historic Park as a part of this event. He indicated he had contacted the residents at 1013½ and 1017 Mordecai and received verbal approval from them. He stated he had not been able to contact the resident who lives in an apartment at 1013 Mordecai Drive. City Manager Benton indicated that Administration has reviewed the request and would recommend approval of the street closing activities as requested. Ms. Cates moved the recommendation be upheld. Her motion was seconded by Mr. Keller. Mr. Walter suggested that representatives of the Historical Society get in touch with the people on Mordecai Drive and let them know as well as advise the CAC in the area. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***CONRAIL SALE TO NORFOLK AND SOUTHERN CORPORATION - REFERRED TO LAW AND FINANCE COMMITTEE

Kenneth Askegren, representing Norfolk and Southern Corporation, was at the meeting explaining the history of the Norfolk and Southern Corporation as well as Conrail. He explained Congress's decision to sell Conrail and get out of the railroad business. He also explained the number of bids that were received and Secretary of Transportation Director Doles' selection of Norfolk and Southern as the best bidder and her recommendation that their bid be accepted. He indicated, subsequent to that time, legislation has been introduced relating to the railroad service and the sale of Conrail to the Norfolk and Southern Corporation. He indicated he was at the meeting to ask the Council to adopt a resolution supporting the passage by Congress of House Bill 1449 and Senate Bill 1638 relating to railroad service and the sale to the Norfolk and Southern.

Mayor Upchurch indicated he had received some information about this from the Mayor of Hamlet. He indicated Hamlet is served by Seaboard and the City of Raleigh is served by Seaboard as well as the Norfolk and Southern. He stated he would like for the Law and Finance Committee to look at this request. Ms. Block indicated in her opinion by the time the City of Raleigh studies this issue adequately she feels it would be too late, therefore, she would make a motion that the City Council deny this request clearly on the basis that we do not have the time to study it. Discussion took place on the time frame involved whether the City should get involved, etc. Mayor Upchurch indicated he had written some letters on this issue that he could share with the committee. He indicated he feels that this is something that should be studied before any action is taken. Mr. Keller indicated that he would be happy to look at the item in Law and Finance Committee. He stated he was strongly in favor of putting Conrail back into private ownership and he understands that Norfolk and Southern is the only railroad company that has offered to pay for it. He stated unless it becomes a part of another system he feels that it will collapse. He stated he is a strong advocate of the railroad pointing out the United States developed the largest and most sufficient form of transportation in the country and then abandoned it. After other discussion, by general consensus, the item was referred to Law and Finance Committee for study.

***DRAINAGE PROBLEM - WINTERGREEN DRIVE - ADMINISTRATION TO GIVE A REPORT AT THE NEXT MEETING

Raymond Kelly, 5925 Wintergreen Drive, indicated he moved to that location 3 years ago. He stated on the juncture between his yard and his neighbor's yard there is a street drain that does not drain properly. He stated 3 years ago he called the City and asked that it be corrected. He stated many people have come out to investigate since that time. He stated in May of 1984 his neighbor received a letter from the City telling him to fix the drain. He stated his neighbor contacted the sender of the letter and told him that the drain was not on his property and that he was not going to fix it unless the City took him to court. He stated that was in June 1984. He explained on June 28, he received a letter telling him to fix the drain. He stated the drain is not on his property and not his problem but is causing him problems. He indicated in February he talked to Hotline about the problem after 2 years of dealing with City bureaucracy. He indicated someone must be responsible for this pointing out he is a taxpayer and if he can't get it fixed he would like to have his tax money back. He stated he did not care whose responsibility it was, he just wanted it fixed, pointing out, he himself legally cannot fix the drain as it is not on his property.

City Manager Benton indicated the storm drain runs across some private property and the City has cleaned the storm drain on public property. He stated the storm drain is apparently very close to the property line and there is some additional work that needs to be done to ascertain the proper owner. He indicated he has a problem with the information he has received as to the exact location of the line. He suggested this item be placed on the next agenda as a special item and he could give a definite answer and recommendation. After brief discussion, it was agreed to place the item on the July 16 agenda.

UNFIT BUILDINGS AND DWELLING UNFIT FOR HUMAN HABITATION

***ABANDONED VEHICLE - 122½ EAST WHITAKER MILL ROAD - REPEALER ORDINANCE ADOPTED

Housing Inspection Supervisor Bartholomew indicated Ordinance 1985-581 related to an abandoned vehicle at 122½ East Whitaker Mill Road. He indicated this vehicle has been removed; therefore, this ordinance should be repealed. Mr. Bartholomew indicated Ordinance 1985-570 declared property at 221 Grand Avenue unsafe. He indicated the property has been sold and a permit has been issued for renovations; therefore, this ordinance should be repealed. Ms. Block moved adoption of the appropriate repealer ordinances. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 605

AN ORDINANCE TO REPEAL ORDINANCE NO (1985) - 581 RELATING TO A VEHICLE AT 122½ EAST WHITAKER MILL ROAD.

WHEREAS, the City Council adopted Ordinance (1985) - 581 declaring a vehicle - a 1950 Dodge bus, City of Raleigh ID #07333 an abandoned vehicle, and

WHEREAS, said vehicle has been removed from the premises at 122½ East Whitaker Mill Road, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Ordinance No. (1985) - 581 be repealed in its entirety.

Section 2. That this ordinance shall be effective July 2, 1985.

Adopted: July 2, 1985

Effective: July 2, 1985

ORDINANCE NO. (1985) - 606

AN ORDINANCE REPEALING ORDINANCE NO (1985) - 570 RELATING TO 221 GRAND AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance (1985) - 570 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: 7/2/85

Effective: 7/2/85

MATTERS SCHEDULED FOR PUBLIC HEARING

***STREET IMPROVEMENTS - DREW STREET - HEARING - RESOLUTION ADOPTED

A hearing to consider the installation of curbs, gutters, drains, and paving 27 feet back-to-back on Drew Street from Clifton Street to dead end pursuant to petition, resolution of intent, notification, and advertisement as required by law. Chief Engineer Thomas explained the proposed improvements pointing out it is as a result of a petition. He indicated the agenda shows a proposed 31 foot street but the petition was for a 27 foot street. The Mayor opened the hearing to the public. No one asked to be heard thus the hearing was closed. Ms. Cates moved adoption of a resolution of a 27 foot street on Drew Street as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 862

***STREET IMPROVEMENTS - GREEN STREET - RESOLUTION ADOPTED

A hearing to consider the installation of curbs, gutters, drains, and paving 31 feet back-to-back on Green Street from Prospect Street to dead end pursuant to petition, resolution of intent, notification, and advertisement as required by law. Chief Engineer Thomas explained the proposed improvements which are a result of a petition. The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the improvements as advertised. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-862

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Item A - Installation of curbs, gutters, drains and paving 27 feet back-to-back on Drew Street from Clifton Street to dead end.

Item B - Installation of curbs, gutters, drains and paving 31 feet back-to-back on Green Street from Prospect Street to dead end.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: July 2, 1985

***SIDEWALK AR-209 AND PAVING AR-687 - GORMAN STREET - HEARING - RESOLUTION ADOPTED

A hearing to consider confirmation of charges for local improvements as outlined below:

(1) AR-209 - Sidewalk improvements on Gorman Street according to charges outlined in Resolution 1985 - 824, adopted June 4, 1985.

(2) AR-687 - Construction of Gorman Street according to charges outlined in Resolution 1985 - 825, adopted on June 4, 1985.

Chief Engineer Thomas explained the work that has been completed. The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Ms. Block moved adoption of a resolution confirming the cost as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-863

A RESOLUTION CONFIRMING SPECIAL SIDEWALK ASSESSMENT ROLL 209, PAVING ASSESSMENT ROLL 687, PAVING ASSESSMENT ROLL 694 AND PAVING ASSESSMENT ROLL 695, AS AMENDED

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the second day of July, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolutions 1985-824, 1985-825, 1985-826 and 1985-827 adopted on the fourth day of June, 1985, which assessments appear on "The City of Raleigh Special Sidewalk Assessment Roll 209, Paving Assessment Roll 687, Paving Assessment Roll 694 and Paving Assessment Roll 695 AS AMENDED," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: July 2, 1985

***PAVING ASSESSMENT ROLL 694 - MARION ROAD - HEARING - RESOLUTION ADOPTED

This was hearing to consider adoption of a resolution confirming the costs for street improvements on Marion Road according to charges outlined in Resolution 1985-826 adopted on June 4, 1985. Chief Engineer Thomas explained the work that has been completed. The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Ms. Block moved adoption of a resolution confirming the charges as outlined. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 863

***PAVING ASSESSMENT ROLL 695 - SHELDON DRIVE - HEARING - CHARGES CONFIRMED AS AMENDED

This was a hearing to consider adoption of a resolution confirming charges for street improvements on Sheldon Drive according to charges outlined in Resolution 1985-827 adopted on June 4, 1985. Chief Engineer Thomas explained the improvements. The Mayor opened the hearing to the public.

Joseph Bennett indicated he is a property owner at the corner of Sheldon and Marion Roads. He indicated he does not understand the letter he received stating he had to pay for these improvements. He stated he had no knowledge that he had to pay. Discussion took place with the Clerk indicating Mr. Bennett's name is on the list and letters were sent and she has no record that the letters were returned.

The City Clerk read a letter from Mike Nowell, owner of lot number 30, according to the assessment roll map. Mr. Nowell was requesting that the City charge him $12 per lineal foot as was the policy at the time of street construction rather than $20 per foot which was the policy in 1982 at the time of approval of the project. Chief Engineer Thomas explained at the time the work was authorized the policy called for charging $20 per foot for property that is zoned other than residential and, according to City policy, the charges are confirmed as of the rate at the time of approval of a project. Chief Engineer Thomas explained that after this project was authorized that the City Council did approve an ordinance change to assessment rates and explained the change which involves construction of a 31 foot street where property is zoned other than residential. He indicated in is this case there are 2 pieces of property that are zoned other than residential and that is Mr. Nowell's property, and lot number 18 according to the assessment roll map. He indicated both of these properties were zoned neighborhood business. Discussion took place with Mr. Walters pointing out this is a very unusual circumstance. He indicated the two owners of neighborhood business property will be paying more under the old rate than they would under the new rate. He stated usually when the rates change they go up not down. He indicated, legally, he does not feel the Council is doing anything wrong but, morally, maybe that is a different question. City Attorney McCormick indicated that what Mr. Walters is saying is correct. He stated, legally, Mr. Nowell and the other neighborhood businesses are being charged properly but if the Council wants to do something different they have to justify the difference. Mr. Walters indicated he did not feel there would ever be a case like this again pointing out it is a very unusual situation. He stated however if there were similar cases in the future they could be considered on a case by case basis. Mr. Walters moved that the City Council amend assessment roll 695 to the end that lots 18 and 30 would be assessed $12 per lineal foot. His motion was seconded by Ms. Block. City Manager Benton explained why the ordinance was changed and pointed out it is City policy that when a project is approved that the City commits to the assessment rate in effect at that time. He stated it is true that when the assessment rates change they normally go up but the City would still be committed to the lower rate. He pointed out that if they had changed the other way the City would be committed to the lower rate. After brief discussion the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 863

***PAVING ASSESSMENT ROLL - ARLINGTON STREET - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

This was a hearing to consider correcting Paving Assessment Roll 691, Arlington Street, to the end that the assessment against lot 3 will be in the name of James P. and Helen R. Cain rather than Henry M. Garrett. The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Ms. Cates moved adoption of the correcting resolution. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 864

A RESOLUTION TO CORRECT PAVING ASSESSMENT ROLL 691, ARLINGTON STREET

WHEREAS, BY Resolution No 1985-830, adopted 6/4/85, the City Council confirmed Special Paving Assessment Roll 691, and

WHEREAS, on the map attached to said assessment roll Lot 3 was shown as being the property of Henry M. Garrett, respectively.

WHEREAS, the City Council now finds that Lot 3, was, at the time of confirmation of the assessment roll, the property of James P. & Helen R. Cain, and that the assessment should be correct accordingly, as permitted by GS-160A-228; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That PAVING ASSESSMENT ROLL 691 be and the same is hereby corrected, and the assessment against Lot 3 is made against James P. and Helen R. Cain.

Section 2. That the Revenue Collector is authorized and directed to correct the tax records by making appropriate entries thereon.

Adopted: 7/2/85

Distribution: City Manager
City Attorney
Chief Engineer
Revenue Collector (2)
Assessment Supervisor

James P. & Helen R. Cain
1610 Pineview Street
Raleigh, N.C. 27608

Amount: $1,385.00

***TRANSPORTATION TASK FORCE - INFORMATION RECEIVED

Mayor Upchurch indicated Governor Martin and the Secretary of Transportation has appointed a 20 member Task Force to look at ways to improve urban transportation needs. He read the list of appointees, pointing out, he was appointed to represent Raleigh. He stated this group will be meeting on the 10th in the DOT board room. The comments were received.

***ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 8:00 p.m.

Gail G. Smith
City Clerk

1/cc2/ct